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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 April 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-13284 (E)

The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Situation of human rights in Colombia (E/CN.4/2000/11)

1. The CHAIRMAN read out the following statement on Colombia, which had been agreed upon by all delegations:

"The Commission on Human Rights welcomes the continued readiness of the Colombian Government to cooperate with the permanent Office of the High Commissioner for Human Rights, enabling it to carry out its mandate and to conduct its activities without any impediment. It also welcomes the report on the situation of human rights in Colombia by the permanent Office of the High Commissioner for Human Rights in Bogotá. It also takes note of a document containing the observations by the Colombian Government on its report.

"The Commission welcomes the renewal of the agreement between the Government of Colombia and the High Commissioner for Human Rights extending the mandate of the permanent Office in Bogotá until April 2002. The Commission strongly believes that the Office continues to play a vital role in addressing ongoing violations of human rights and international humanitarian law and regrets, in this context, that many of the recommendations formulated by the Office have not been given adequate follow-up. It continues to consider of the utmost importance, and to fully support, the valuable work which the Office is undertaking in the promotion and protection of human rights in assisting Colombian authorities in developing policies and programmes in the above-mentioned field. In this context, it encourages the expansion of the Commission's presence beyond Bogotá.

"The Commission also welcomes the willingness of the Government of Colombia to engage in constructive peace talks with the main guerrilla groups, in the framework of the peace plan, with a view to achieving a sustainable peace in Colombia. The Commission expects that the peace efforts will soon incorporate other actors in the conflict, as well as civil society. The Commission, however, remains deeply concerned at the lack of a permanent ceasefire and at the grave and persistent abuses of international humanitarian law despite the ongoing peace process. It calls on the parties to reach, as a matter of priority, a comprehensive human rights and humanitarian agreement, and to initiate discussions on an agreement on the question of how victims of the conflict may be recognized and may obtain reparation.

"The Commission welcomes the announcement by the Vice-President of Colombia - in his capacity of Human Rights Counsellor to the Colombian Government - of the promised integrated plan on human rights entitled "Policy for the Promotion, Respect and Safeguard of Human Rights and the application of International Humanitarian Law". It expects that this plan will be translated into practical and

effective results with regard, inter alia, to combating the high level of impunity, rendering assistance for the internally displaced persons and ensuring the safety of human rights defenders. The Commission will follow its implementation closely.

"The Commission recognizes the additional legislative steps taken in Colombia, at the national and international levels, in particular the introduction of a new rule which excludes minors from joining the armed forces. It urges the Government of Colombia to fully abolish the system of faceless justice, as recommended by the United Nations. It also notes that the draft bill to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction was passed in the Congress and is currently awaiting presidential approval.

"The Commission has taken note of the approval of the Military Penal Code reform bill by the Congress of Colombia, but strongly urges the Government of Colombia to take the necessary steps to overcome constitutional impediments to its entry into force, so as to ensure an independent judicial system, and to separate the functions of the executive and the judiciary. It urges the Colombian authorities to ensure that the new Code will comply with international requirements and with the jurisprudence of the Colombian Constitutional Court. It also urges the Colombian authorities to guarantee that the Code will come into force as soon as possible.

"While welcoming the initial approval by the Congress of a draft law which criminalizes enforced disappearance and establishes the crimes of genocide, enforced displacement and torture and a draft Criminal Code, the Commission notes with great concern the President's decision to return both drafts to the Congress. The Commission also hopes that questions underlying this decision will be re-evaluated as a matter of urgency, with a view to reconsidering the decision and adopting laws that comply with international standards.

"The Commission expresses its deep concern at the deterioration of the human rights and humanitarian situation in Colombia during 1999, characterized by a decline in reported human rights violations and offset, notably, by an increase in abuses and killings by the paramilitary. In this context, it unequivocally condemns the persistent grave violations and abuses perpetrated by the paramilitary groups and the guerrillas, and calls on the Government to take urgent action to intensify political, administrative, judicial and other appropriate measures with respect to official bodies, members of the armed forces and individuals suspected of supporting paramilitary groups. The Commission positively notes the recent announcement by the Government in this field, whilst urging it to prevent the cooperation and collaboration of the armed forces with the paramilitary groups, and requesting that all allegations of this type be investigated thoroughly and promptly.

"The Commission strongly condemns all acts of terrorism and violation of international humanitarian law committed by guerrilla groups, including the systematic kidnapping of children. It notes with concern the continued use of child soldiers and anti-personnel mines by the guerrillas. The Commission also condemns the continued mass abductions and destruction of power lines by the National Liberation Army (ELN),

and the killing of foreigners and continuing kidnapping by the Revolutionary Armed Forces of Colombia (FARC). The Commission also condemns the killings and other serious abuses taking place in the demilitarized zone and calls upon the Revolutionary Armed Forces of Colombia to agree to the Colombian Government's proposal for a visit by an international observer's mission to the zone. It urges the guerrilla groups to engage in serious and concrete peace talks with the Government and to agree on a complete ceasefire without delay.

"The Commission welcomes the further reduction in human rights violations attributed to the armed and security forces and urges the Government of Colombia to ensure that members of the State forces against whom credible allegations are made, not only of human rights violations but also of colluding with self-defence and paramilitary groups, are suspended, whilst speedy investigations are undertaken. If such allegations are substantiated, the official involved should be dismissed from State service and subject to criminal trial.

"The Commission remains deeply concerned about the increase in the number of internally displaced persons in Colombia and calls for continued action and cooperation in this regard between the Colombian authorities and international bodies. It encourages enhanced cooperation with the Office of the High Commissioner for Refugees. It notes and encourages also the ongoing cooperation with the International Committee of the Red Cross (ICRC). It encourages the Government of Colombia to seek effective means of eradicating the causes of displacement, in particular by assuring visible operational results in the struggle against paramilitary groups, and others forcing displacement, and by bringing those responsible to justice.

"The Commission welcomes the cooperation extended by the Government of Colombia to the Representative of the Secretary-General on Internally Displaced Persons and encourages the Government of Colombia to follow up on his recommendations. It also encourages the Government of Colombia to extend invitations to other human rights mechanisms, notably the Working Group on Enforced or Involuntary Disappearances.

"The Commission deplores the persistence of worrying levels of impunity in cases of serious crimes, particularly in the military jurisdiction. It commends the efforts undertaken by the Prosecutor-General's Office in investigating significant cases. It calls on the Government of Colombia to continue to address the problem, and to continue to take action to dismiss from the service any members of State forces involved in human rights violations.

"The Commission strongly condemns the continuing attacks on human rights defenders as well as on journalists and labour union members. It notes the issuing of a presidential directive dated September 1999 and additional measures undertaken by the Ministry of Interior to protect human rights defenders who have been threatened. It calls on the Colombian authorities to take urgent action for the full implementation of the above-mentioned measures. It also encourages effective dialogue between the Colombian authorities and civil society to promote and reinforce the protection of all human rights defenders.

"The Commission notes with concern the effects of violence in Colombia, particularly the victimization of minority groups such as the indigenous and Afro-Colombian communities, which, according to the Committee on the Elimination of All Forms of Racial Discrimination, suffer disproportionately the effects of the violence. It welcomes the recognition by the Colombian Government of the existence of problems in these fields and calls upon the Government to take effective steps for the improvement of legal and physical protection of the affected groups. It calls on all parties to the conflict to respect the rights of the above-mentioned minority groups.

"The Commission requests the High Commissioner for Human Rights to submit to it, at its next session, a detailed report containing an analysis by the Office in Bogotá of the human rights situation in Colombia, in accordance with the provisions of the agreement between the Government of Colombia and the Office of the United Nations High Commissioner for Human Rights on the operation of the permanent Office in Bogotá."

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (continued) (E/CN.4/2000/5, 98 and Add.1, 99, 100, 102-104, 106 and 124; E/CN.4/2000/NGO/1, 24, 48, 84 and 133; A/54/336; E/CN.4/1998/85 and Add.1; E/CN.4/1997/74)

2. Mr. HARAGUCHI (Japan), reporting on the results of a regional workshop hosted by his Government, said that only two countries in the Asia-Pacific region - the Philippines and Japan - had thus far adopted national plans of action for human rights, although a number had developed educational programmes in specific areas. It had been agreed that human rights education must cover not only rights, but also obligations for society and the family, and that it must be combined with assistance for the impoverished.

3. Distributing pamphlets would not suffice; if the less literate sectors of society were to be reached, other education media must be explored, such as television drama and street plays. It was also crucial to provide human rights education to law-enforcement personnel. At the workshop, the important role of the Office of the High Commissioner (OHCHR) in the field of human rights education had also been emphasized. It was to be hoped that more countries would seek OHCHR assistance for the development of their national plans of action.

4. Regional symposia on human rights were being convened on a regular basis, at the initiative of his Government, on such issues as trafficking in persons. It was to be hoped that

regional cooperation would contribute, inter alia, to understanding the universality of human rights. Religious, cultural and social diversities, as well as differences in economic and legal systems, did not require different approaches or standards for human rights.

5. Mr. SALAS (Venezuela) said that a number of human rights institutions had been established in his country. The most significant was the Office of the Ombudsman, which had developed into part of a new public authority - citizens' power - under the Republican Moral Council. The Ombudsman ensured that constitutional rights were observed and investigated complaints. He also ensured the proper working of the public services, acted in various cases of legal malfunctioning and recommended prosecutions of public officials responsible for human rights violations.

6. Another institution that had been established was the National Commission on Human Rights, which advised upon and coordinated the executive's human rights activities carried out jointly with public and private institutions. Venezuelan human rights institutions were independent, both financially and administratively. That guaranteed their transparency, ensured respect for human rights and drew the public's attention to the existence of such rights. Moreover, thanks to their existence, the police forces had received better human rights training, it had been easier to follow up agreements between the authorities and non-governmental organizations (NGOs), and improvements had been made in reporting and coordination procedures within the police and military forces. The main benefit of human rights institutions was that they raised awareness among public officials of the need to respect human rights.

7. Mr. LUKIYANTSEV (Russian Federation) stressed the importance of ensuring the effective functioning of the treaty monitoring mechanisms. Paradoxically, the current system was working because of the widespread failure of the States parties to meet their reporting obligations on time; the treaty bodies would otherwise be swamped with even more reports awaiting consideration, and a restructuring of the current system would be all the more urgent. The States parties were as much to blame for such a state of affairs as the treaty bodies. Since there was often a considerable delay between the submission and consideration of a country's report, reports tended to be out of date by the time they were considered.

8. The treaty bodies would function much more effectively if they adhered more strictly to their mandates. To make it easier for States to implement their recommendations, they should also ensure that their concluding observations were substantive, concrete and clearly formulated from a legal point of view. Above all, it was essential to ensure the quality of the dialogue on both sides.

9. The special procedures were crucial to the work of the Commission but their quality was often compromised by a lack of dialogue. All too often, his delegation had been a witness to monologues by special rapporteurs and working group chairmen, without the States being given a proper opportunity to respond. Unacceptably too, certain special procedures also exceeded their mandate, thereby undermining the relationship with States and the authority of the mechanism as a whole.

10. Mr. SKRACIC (Observer for Croatia) said that national human rights institutions were a channel through which the ideas of civil society reached policy makers. A network of such

institutions was currently being established in his country in response to the proposals contained in various international documents. Priority was being placed on the needs of sectors of the population requiring special attention. The Office of the Ombudsman had been among the first to be established, followed by the Government Commission on Gender Equality, the National Committee on Human Rights Education and the Council for Children, with the Government Commission on Human Rights serving as an umbrella body. Those institutions were all seeking to elaborate a rights-based approach on issues within their sphere of responsibility. They also sought to raise public awareness of basic human rights and of punitive sanctions for violations.

11. The National Committee - with the active involvement of NGOs - had recently completed a national Programme for Human Rights Education. It incorporated civil education elements and was applied to all levels of education. The Programme sought, inter alia, to promote respect for the traditions, language and culture of minorities.

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (E/CN.4/2000/105 and Add.1 and 107-111; E/CN.4/2000/NGO/25; A/54/366)

12. Ms. RISHMAWI (Independent expert on the situation of human rights in Somalia), introducing her report (E/CN.4/2000/110), said she regretted that it had not been issued earlier, the more so as she had submitted it to the Office of the High Commissioner in December 1999. The next day, 20 April 2000, would represent a "day of hope" for Somalia, since the Somalia National Peace Conference was due to open in Djibouti, starting a reconciliation process which would take some three years. It was based on the initiative by the President of Djibouti which he had declared before the General Assembly in 1999. Significantly, it enjoyed national support in Somalia as well as international support. All parties should make sustainable efforts to ensure its success. The report provided a detailed account of her visit to Somalia and its region. She drew particular attention to a number of paragraphs and to her conclusions and recommendations.

13. Ms. TAKLA (Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights) said that technical cooperation, by supporting national efforts to strengthen court systems, the judiciary and the administration of justice in line with international standards, introducing human rights in school curricula and helping to establish offices of Ombudsmen or women's institutions and other activities, was building the infrastructure of human rights and national capacities in the field. By supporting efforts to eliminate and incriminate injustice, violence, atrocities, bloodshed and torture, technical cooperation was protecting the rights of future generations.

14. By 1999, some 100 projects had been implemented in 45 countries throughout the world and, during that year, the Board of Trustees of the Voluntary Fund had reviewed, appraised and endorsed 18 new project proposals. One of the newly endorsed projects concerned treaty reporting in Albania, which represented an innovative approach that might be useful in other countries.

15. The Board of Trustees set great store by technical cooperation as a tool for enhancing women's rights. Technical cooperation staff had detailed guidelines on gender and women's human rights in the preparation and execution of all seminars and training activities, and for

evaluating projects. Another project, in Sierra Leone, involved OHCHR support for the process of establishing a truth and reconciliation commission. Project implementation would involve a cooperative relationship with the United Nations Development Programme (UNDP), the Special Representative of the Secretary-General, the United Nations Mission in Sierra Leone, government institutions and civil society. It was an example of how technical cooperation could contribute to reconciliation and peace-building efforts as part of a preventive strategy.

16. Technical cooperation staff worked with both Governments and the people. They were well aware of the fact that, in several developing countries, human rights activities were regarded as an infringement on sovereignty and as imposing Western paradigms, so they operated with respect for positive traditions and values while trying to correct negative attitudes.

17. The single main cause of human rights abuses was extreme poverty, which crushed values and dignity and killed hope and motivation. Eradicating or mitigating poverty was an integral part of all efforts to respect human rights principles and fundamental freedoms. All countries involved in technical cooperation programmes, either as donors or as recipients, were making a significant contribution to the protection of human rights. Once programmes were terminated, they were not revisited for evaluation, the Board of Trustees considered, therefore, that a limited sample should be evaluated every 16 months or so to ensure their success. More funds were needed for evaluation, however. She called upon all Member States to provide increased support to the Voluntary Fund because the more that was done immediately, the less there would be to do in the future.

18. Mr. DIENG (Independent expert on the situation of human rights in Haiti), having repeated his call for the return of all the documents of the Haitian armed forces and of the Front pour l'avancement et le progrès Haitien (FRAPH) which were still being held by the United States authorities and which were of prime importance in combating impunity, said that the weakness of Haiti's judicial system continued to be a cause of frustration for both the people and donors. There were cases of illegal detention, failure to respect judicial procedures resulting from ignorance or corruption and denial of justice. Efforts to improve detention conditions had been seriously jeopardized by a substantial reduction in support by the international community. The weakness of the judicial system had resulted in the death in detention on 9 February 2000 of Mr. Claude Raymond, a former general in the Haitian Armed Forces who had been held since 1996, despite several orders issued for his release.

19. Corruption in the judiciary was still rife and constituted an obstacle to reconciling the peoples of Haiti with the system of justice. The situation was made worse by the alarming increase in drug trafficking involving the police.

20. A major obstacle to implementing a plan of action with regard to justice was the absence of a functioning parliament and of free elections. The Provisional Electoral Council had recently announced that the first round of elections would take place on 21 May and the second round on 25 June 2000. He urged the Haitian authorities to convene Parliament on 17 July 2000, thereby quashing the rumour that the plan was to hold general elections at the same time as the presidential election scheduled for the end of the year.

21. He commended the efforts of the Inspector-General of the Haitian National Police to make police officers responsible for their actions. OHCHR should fill the gap left by the International Civilian Mission in Haiti in terms of systematic oversight of the situation of human rights, support for the Office for the Protection of Citizens and for human rights NGOs.

22. OHCHR could also assist the Haitian Government to ratify the main human rights instruments. The absence of a functioning parliament as well as the problem of human resources were both factors which inhibited Haiti's submission of the reports that were due.

23. There were serious problems of governance, security and poverty, which led to violence and assassinations. It was to be hoped that every effort would be made to shed light on the assassinations and the insecurity which were in danger of overturning the current democratization process.

24. Mr. ANTONIO (Observer for Haiti), acknowledging the objectivity of the independent expert's report (A/54/366), said that Haiti's current political crisis and institutional blockage were basically due to the repeated deferral of the dates of holding legislative and local elections. As a result, there had been a lack of control of the electoral process on the part of the Provisional Electoral Council and technical difficulties in registering electors. That had given rise to some suspicions of manipulation with regard to the participation of certain groups of the population. Others suspected manoeuvres to hold a single local, legislative and presidential election at the end of the year. The Prime Minister had recently reiterated the Government's clearly expressed intention to make additional funds and resources available to the Provisional Electoral Council for the organization of elections, provided that they satisfied the norms of transparency and credibility that were expected by the population.

25. The President of Haiti had questioned the real intentions of some sections of the international community that had accused the executive in Haiti of opposing the organization of elections, and had emphasized that no pressure would force Haiti into an election that was poorly prepared. The Government and the Provisional Electoral Council had fixed new dates for the election: the first round would be held on 21 May and the second round on 25 June 2000. Parliament would be convened as soon as possible thereafter in extraordinary session.

26. Turning to the numerous challenges facing the Haitian people, he emphasized that of combating impunity, which was bound to fail without international cooperation. The Government bore the heavy responsibility of bringing justice to those whose rights had been violated during the bloody coup d'état of 1991. In dealing with those human rights violations, his Government insisted on the need to return, without any falsification, all the documents confiscated in September 1994 at the time of the intervention by the multinational force, particularly those concerning the Front pour l'avancement et le progrès Haïtien (FRAPH).

27. The CHAIRMAN said that Mr. Hammarberg, the former Special Representative of the Secretary-General on the situation of human rights in Cambodia, who had resigned, would not be available to introduce his report (E/CN.4/2000/109). A member of the Secretariat would read out a statement on his behalf.

28. Mr. MAGAZZENI (Office of the High Commissioner for Human Rights), reading a statement on behalf of the former Special Representative of the Secretary-General on the situation of human rights in Cambodia, said that his last report on the situation of human rights in Cambodia (E/CN.4/2000/109) had been completed in December 1999, prior to his resignation in the same month.

29. Despite the decision of the Government of Cambodia to introduce judicial reform, the administration and functioning of the judiciary remained an issue of major concern. Interference by the executive was allegedly continuing and the independence of the judiciary remained limited. Professional standards were low, and there was corruption in the system. There were continuing reports that individuals in the custody of the police, the gendarmerie or the armed forces were tortured to extort confessions, and those responsible were not brought to justice.

30. Prisons were overcrowded, resulting in poor health and nutrition for detainees, and there was a failure to address special problems relating to women and minors. Women prisoners should be protected from abuse, particularly sexual abuse, and those committing such abuses should be brought to justice. Imprisoned minors should be provided with education for proper reintegration into society upon their release.

31. Early in 2000, the Cambodia Office of the High Commissioner for Human Rights had reported that it had been informed of some 60 cases of people rearrested by Government order, arrests that had not been based on any new evidence and were unconstitutional and in violation of United Nations provisions.

32. The issue still remained of the establishment of a trial for Khmer Rouge crimes committed between 1975 and 1979. There was an evident desire on the part of many Cambodians to see the Khmer Rouge leaders brought to trial in the interests of peace, justice and national reconciliation.

33. Two members of an opposition party who had been in detention at the time of the writing of the report had been released on 6 March 2000. The recent signing of the United Nations Inter-Agency Memorandum of Understanding with the Cambodian Ministry of the Interior on Law Enforcement Against Sexual Exploitation of Children was a welcome development, as was the initiative of the Cambodian Ministry of Women's and Veterans' Affairs to prepare a draft sub-decree for the establishment of a Cambodian National Women's Council.

34. The international community should continue its support for the Government and people of Cambodia in their efforts to create a peaceful society where the rights of all were respected and the rule of law and justice prevailed.

35. Mr. HARAGUCHI (Japan) said that the provision of advisory services and technical cooperation as a result of consultation between a Government and OHCHR was a very practical and effective approach. His delegation took the view that OHCHR efforts in that regard must have solid funding, ideally from the regular United Nations budget. He welcomed the efforts to pursue a policy of greater collaboration with other United Nations actors, especially UNDP, in order to ensure an efficient use of resources and to maximize the impact of projects. He also welcomed the launching of the Office's annual appeal, which would help donor countries to

understand financial needs and recipient countries to make better use of funds. In its bilateral development assistance, and specifically through its Partnership for Democratic Development efforts, Japan provided technical assistance to developing countries to aid democratic development and the promotion of human rights.

36. His delegation was pleased to note that the political will of the Government of Cambodia to promote and protect human rights, supported by OHCHR technical assistance activities, continued to foster progress in the situation of human rights in that country. While recognizing the many positive developments there, it observed that there was still room for improvement and accordingly believed that the mandate of the Cambodia Office of the High Commissioner should be renewed. It was his delegation's intention to submit a draft resolution to the Commission on the situation of human rights in Cambodia which it hoped would, as in previous years, be adopted by consensus.

37. Mr. PEREIRA GOMES (Portugal), speaking on behalf of the European Union, and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the international community must be prepared to assist Governments in implementing their obligation to promote and protect all human rights and fundamental freedoms. In that respect, advisory services and technical cooperation played an important role. Without commitment of the State concerned to such cooperation, any provision of advisory services would be a waste of limited resources.

38. The aim of technical cooperation was to build sustainable national capacities to implement international human rights standards and assure respect for human rights. It should be established at the request of, and in cooperation with, the Government of the beneficiary country and take into account an assessment of its real needs and priorities.

39. The role of national human rights institutions in building and strengthening adequate national structures and reforming national laws and systems which had a direct impact on human rights and the rule of law must be consolidated and strengthened. It was important to ensure that civil society, as the main beneficiary of technical assistance programmes, was fully involved in the design and implementation of those programmes.

40. The Union fully supported the OHCHR Technical Cooperation Programme which provided effective and efficient support to countries committed to protecting and promoting human rights. The increasing number of requests for advisory services and technical cooperation gave an indication of its usefulness. The Union also welcomed the procedures established by OHCHR to implement technical cooperation projects. The efficiency and effectiveness of such projects must be measured by their impact on the human rights situation of the country concerned.

41. In view of the importance of increased cooperation and coordination between the relevant actors within the United Nations system, the Union welcomed the efforts being made to ensure more meaningful participation by OHCHR in the preparation of common country assessment and United Nations Development Assistance Framework (UNDAF) documents, which maximized the impact of technical cooperation activities and made more efficient use of

resources. While fully appreciative of the role played by the High Commissioner in that regard, the Union called upon all relevant Commission mechanisms to explore the potential for advisory services in their observations and recommendations.

42. The Union was committed to developing assistance in the area of human rights, and technical assistance constituted an integral part of its overall human rights policy. The States of the Union were some of the largest donors to the Voluntary Fund for Technical Cooperation. It was a positive development that increasing numbers of developing countries were contributing to that Fund. He also welcomed the launching by OHCHR of the global Annual Appeal for funding, which was an important first step in presenting its work in a transparent and accountable manner. The Union believed however that, besides voluntary contributions, the Office's share of the United Nations regular budget should be significantly increased in order to meet the growing demands on its work and finance its wide range of activities.

43. Mr. CASTRO GRANDE (El Salvador) said that advisory services in the field of human rights constituted an important mechanism for developing countries seeking to establish societies based on respect for and promotion of human rights. In January 1997, the Government of El Salvador and OHCHR had signed two agreements on technical cooperation in the field of human rights aimed at consolidating the protection of human rights, strengthening democracy and the rule of law and promoting the application of international human rights standards in the judiciary. A number of activities had been carried out by the technical cooperation project in a number of ministries and national institutions. By December 1999, when the assistance projects had been completed, the national institutions which had benefited from that cooperation were appreciably better equipped to guarantee to the Salvadoran population effective protection and full realization of its rights and fundamental freedoms.

44. The technical cooperation had encouraged the development of increased cooperation among the institutions involved, NGOs and specialized bodies concerned with human rights. The excellent results produced by those projects, the training given and the management of financial resources were largely due to the work of the OHCHR National Director in San Salvador, to whom his Government wished to express its appreciation.

45. Successful though those projects had been, the mission was not yet completed, since many national institutions still needed strengthening. Terms for a second phase of cooperation were currently being worked out, with a view to providing cooperation to the Ministry of Education, the Public Counsel for the Defence of Human Rights and the National University. The continued support of OHCHR and donor countries was necessary for that national undertaking. He appealed to the High Commissioner to approve the second phase as quickly as possible.

46. His Government, as a beneficiary of extremely positive technical cooperation in the field of human rights, had decided to make a contribution to the Voluntary Fund, being convinced that such cooperation was of the greatest benefit to the promotion, protection and defence of human rights.

47. Mr. ZAFERA (Madagascar) said that provision was made in the Constitution of Madagascar for the promotion and protection of human rights, pursuant to which a National

Human Rights Commission had been established in 1996. Its main responsibilities were to deal with complaints of human rights violations, the campaign for the ratification of international treaties, the promotion of a human rights culture at all levels, the provision of support to the Government in the preparation of reports and the monitoring of the implementation of ratified conventions.

48. As part of the technical cooperation project to strengthen national institutions, OHCHR had organized a workshop on the proper functioning of national human rights commissions in 1999. Commission members and NGOs had recently benefited from UNDP training on human rights, and the same training was currently being given to primary and secondary schoolteachers.

49. In addition to the National Commission, a number of steps for the promotion and protection of human rights had been taken, including the ratification of numerous international human rights instruments, legislation against all forms of discrimination and the creation of a national electoral council. Such measures demonstrated the desire of the authorities to consolidate the rule of law and guarantee the effective enjoyment of human rights and democracy.

50. His Government was grateful for the technical assistance provided by OHCHR, and took the opportunity to express its appreciation thereof. It also wished to thank the donor countries for their untiring support for the Technical Cooperation Programme.

51. His delegation was convinced that technical cooperation was one of the most effective ways of assisting countries that wished to increase their efforts to promote and protect human rights. In view of the increasing demand for technical assistance, which could not be met without increased resources, his delegation supported the Appeal launched by OHCHR for contributions to the Voluntary Fund.

52. Mr. MULONDA (Zambia) said that the period of standard-setting in the field of human rights was almost over, and the current challenge was how best to implement those standards. Standard-setting had evolved faster than institutional capacity in most cases, and there was a consequent need for advisory services and technical cooperation to balance the equation.

53. While human rights were a global issue, they required domestic activity. His delegation therefore wished to associate itself with the emphasis placed by the High Commissioner for Human Rights on national institutional capacity-building, and commended her efforts in that regard. However, the lack of sufficient OHCHR resources was disturbing.

54. Zambia was party to the six main international human rights instruments, and was consequently obliged to submit reports. Such reports were an important part of implementation and demonstrated a Government's political will to implement the standards embraced at the international level. In that regard, Zambia had received valuable assistance from its bilateral cooperation partners. An impressive array of human rights standards was currently in place. Nevertheless, it was time to become more proactive with regard to technical cooperation.

55. Mr. GOPINATHAN (India) said that human rights were best promoted, protected and developed through an approach which involved dialogue, cooperation and consensus-building. The development and strengthening of national capacities and institutions in the field of human rights was a key area for international cooperation. His delegation therefore believed that advisory services and technical cooperation, provided at the request of Governments, constituted one of the most effective means of promoting all human rights, democracy and the rule of law.

56. He had noted with satisfaction the increasing interest in technical assistance in the area of human rights, and the fact that contributions to the Voluntary Fund for Technical Cooperation had been growing in recent years, with an increasing number of contributions from developing countries. It was encouraging that programmes for such cooperation were in pursuit of national development objectives and national programmes.

57. The strengthening of national capacities was essential to progress in the promotion and protection of human rights, and strengthening the role played by human rights institutions was an important objective of the Technical Cooperation Programme. He therefore favoured the enhancement of the role of the High Commissioner for Human Rights in the promotion of human rights through cooperation with Member States and by the extension of the OHCHR Technical Cooperation Programme.

58. That Programme was based on the premise that, in considering remedies to problems in various parts of the world, the approach best suited for each situation must be identified. Genuine and lasting change could occur only if the political will existed and if national institutions and capacities were built to promote democracy, the rule of law and a culture of respect for all human rights. The main focus of the Programme must therefore remain the building of national capacities.

59. National human rights expertise must ensure the sustainability of endeavours and address country-specific requirements: prevention and monitoring alone could not produce lasting results. As a measure of the importance it attached to the subject, his delegation was sponsoring a draft resolution on advisory services and technical cooperation in the field of human rights. Cooperation, consensus and dialogue were the best ways of moving forward in all aspects of human rights and, in the area of advisory services and technical cooperation, those methods were achievable.

60. Mr. OYARCE (Chile) said that there was a growing trend towards seeking advisory services and technical cooperation in the field of human rights, which required an integrated approach from the various agencies involved. His delegation wished to thank the United Nations in general and OHCHR in particular for supporting the requirements of his region in that regard. Through the setting up of national institutions, Chile was prepared to cooperate with all activities aimed at promoting good governance and the rule of law. His delegation wished to become a sponsor of the draft resolution on the issue under discussion.

61. Mr. VALENCIA (Ecuador) said that advisory services and technical cooperation were among the most effective ways of promoting and protecting human rights. His delegation wished to thank OHCHR for the support it had provided in the development of his country's national Human Rights Plan. The first meeting for the promotion and protection of human rights

in the Latin American and Caribbean region, held in Quito, had been instrumental in establishing priorities for the national plan of action, and OHCHR had helped to establish the priorities for that meeting.

62. Despite the difficulties it faced, and the continuing need for capacity-building, Ecuador had had some significant achievements in human rights. If further achievements were to be possible, the continued support of the international community through the provision of advisory services and technical cooperation was essential.

63. Mr. GUARDIA (Observer for Panama), speaking on behalf of the Central American Group, said that, during the internal conflicts that had affected several of the States in the Group in the past decades, human rights had enjoyed little protection. Nevertheless, significant advances were currently being made. Governments must have the political will and a spirit of cooperation if human rights were to be promoted and protected, and substantial support from the international community was also essential. Such support and cooperation was particularly important for countries that were recovering from armed conflict, and OHCHR had played a major role in establishing priorities.

64. At the recent meeting in Ecuador, capacity-building and the preparation of reports to treaty-monitoring bodies had been established as such priorities. The members of the Central American Group were proud that great advances had been made with regard to the promotion and protection of human rights but, if such achievements were to continue, they must be able to depend on the continued technical cooperation of the specialized international bodies and, in particular, of OHCHR.

65. Ms. DUTLI (International Committee of the Red Cross (ICRC)) said that great advances in the promotion and implementation of humanitarian law had been made following the establishment of the ICRC Advisory Service on International Humanitarian Law. A particular success had been the ratification of the humanitarian law treaties by States, and she urged the small number of States not yet parties to those treaties to take the necessary steps towards their ratification so that the result would be universal application of humanitarian law, including implementation at the national level.

66. The ICRC Advisory Service had provided technical assistance in the drafting, adoption and amendment of implementing legislation in many countries. Guidelines and model laws on national implementation had been placed at the disposal of national authorities as tools for the implementation of their humanitarian law obligations. There had been a significant increase in the number of national commissions for the implementation of international humanitarian law, and the ICRC Advisory Service had assisted in the organization of regional meetings of such commissions designed to strengthen cooperation and facilitate the exchange of experience.

67. ICRC had for years been cooperating with the human rights machinery of the United Nations in the dissemination of international humanitarian law. It wished to expand that cooperation by providing technical assistance to national human rights and humanitarian law committees and to national authorities working on the implementation of humanitarian law, as well as by acting as a focal point for the collection and exchange of information on the national

implementation of humanitarian law. She hoped that, by combining efforts, better implementation of international human rights and humanitarian law could be achieved.

68. Ms. MARKINA (Observer for Ukraine) said that the OHCHR regional/subregional approach to supporting national efforts gave the opportunity to draw on the expertise and best practices of countries in comparable situations, generate cooperation and use international resources more efficiently. The technical cooperation programme was an outstanding example of that approach.

69. Assistance in the sphere of the administration of justice had been particularly useful for her country. The Government had ratified Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty: the final step to creating a State where no one would be executed. The Criminal Code had been amended to replace capital punishment with imprisonment for life. Such changes, however, had necessitated a reorganization of the penitentiary system and her delegation hoped that Ukraine would be able to receive technical and advisory support in that regard.

70. Every effort was being made to ensure that national human rights legislation complied with international standards and principles. Her Government had ratified all the basic international human rights instruments. The Ombudsman and the Constitutional Court guaranteed the observance of human rights. She hoped that the programme of cooperation between OHCHR and the Ombudsman would be finalized and implemented as soon as possible. Lastly, her delegation was grateful that Ukraine had been included in the human rights strengthening (HURIST) programme, which could help States meet their obligations under international treaties.

71. Mr. SKRACIC (Observer for Croatia) said that, although technical assistance and human rights monitoring were not necessarily mutually exclusive, the former could be fully successful only in a country where monitoring had come to an end, especially where political circumstances had permitted a significant improvement in the protection of human rights. Croatia had reached that stage but was still being monitored under item 9 of the Commission's agenda. His Government had applied for technical assistance in 1994 and had signed a project with OHCHR entitled "Consolidation, Protection and Promotion of Human Rights in the Republic of Croatia" in May 1999.

72. Progress in implementing the project had been most satisfactory, particularly in respect of the target groups selected by OHCHR, the lecture subjects and the way in which the project had been implemented. A summer school for law students and human rights seminars for senior government officials, military personnel, judges and lawyers had been organized. The seminars should greatly facilitate human rights awareness in government and public institutions, which would result in greater personal safety for all citizens and the elimination of all forms of discrimination.

73. The existing project would be completed by the end of the year and the internal financial policies of OHCHR meant that it was unlikely to extend into 2001. His Government wished to assure OHCHR of its warm appreciation and looked forward to the time when it would be able to assist others in establishing or strengthening their national human rights institutions.

74. Mr. ESHRAGH-JAHROMI (Observer for the Islamic Republic of Iran) said that the countries of the Asia-Pacific region had come a long way since the First Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific region in 1990: the adoption of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific at the Sixth Workshop in Tehran in 1998, and the follow-up discussed at the Eighth Workshop in Beijing, had been important steps forward.

75. Since a conventional human rights mechanism did not exist in the region, regional cooperation was an effective arrangement. His delegation welcomed its steady expansion and encouraged all States to engage in the activities adopted at the Eighth Workshop.

76. Much could be achieved if certain principles were observed. In the first place, thematic workshops should be held in an objective and results-oriented manner, with exchanges of information and experience. Secondly, all activities should be conducive to the strengthening of national capacities for the promotion and protection of human rights. Thirdly, the specification of subregions should be in accordance with social and cultural similarities. Fourthly, all the subregions of Asia and the Pacific should be able to engage in and benefit from the proposed activities. Lastly, workshop topics should be relevant to the social and economic structure of the region.

77. Mr. MOYOMBAYE (Earthjustice Legal Defense Fund) said that the southern part of Chad was the subject of a huge oil project, run by a consortium made up of Esso (Exxon), Chevron and Petronas. It was alleged to be a development project, but in fact it threatened the rights of the local peoples: the details were to be found in his organization's written presentation (E/CN.4/2000/NGO/101). Wide areas had been rendered temporarily or permanently uncultivable and many trees had been cut down. The compensation paid had been ridiculously low, sometimes a twentieth of that envisaged under the compensation plan. Moreover, the arrival of money in the region had increased corruption and exacerbated existing social and political tensions. There might even be a resumption of the conflicts suffered by the country over the past 30 years.

78. Those campaigning for proper management of the oil project were constantly being threatened, especially since the withdrawal of Elf and Shell from the consortium. Local people had not been given proper information and were excluded from decision-making. At so-called consultations held by Esso, the local people were inhibited by the presence of soldiers. When the President of the World Bank had visited Bébédjia, the Prefect of Doba had threatened with arrest anyone who dared express opposition to the project. He himself had been forbidden by the Prefect to continue to work for the protection of the local population.

79. He called on the Commission to urge the authorities to guarantee the safety and freedom of the people's representatives and to involve the local people in decision-making. He also called upon the World Bank to suspend all credits for the project until an independent study of its impact on the local population and environment had been carried out.

80. Mr. VEGA BAEZ (Service Peace and Justice in Latin America), speaking also on behalf of the International Federation of Action of Christians for the Abolition of Torture, said that through international human rights cooperation States could overcome the contradictions and

failures of their own judicial systems. Advisory and technical assistance programmes should not, however, be used to address problems caused by the lack of political will on the part of Governments, which should undertake democratic and institutional reforms on the basis of recommendations by the international treaty bodies and special rapporteurs.

81. Technical assistance programmes depended for their success on the participation of NGOs in their design and implementation. There should also be a consensus within civil society on the objectives to be achieved. Furthermore, it was important to ensure that technical assistance programmes were evaluated and monitored in a transparent fashion. Unless those elements were in place, Governments could use a programme as an excuse to evade their responsibilities, thus strengthening impunity.

82. The Government of Mexico had shown its willingness to work with the High Commissioner and the United Nations mechanisms. The Technical Assistance Programme agreed on in November 1999 could thus be most important in overcoming the human rights crisis in Mexico, particularly if its impact was felt in the regions where violent conflicts had taken place, such as the States of Chiapas, Oaxaca and Guerrero. He urged the Commission, therefore, to appoint an independent expert to help define and monitor the programme.

83. Ms. STOTHARD (Aliran Kesedaran Negara: National Consciousness Movement) suggested that government representatives should be given a refresher course in human rights and the essential role of the Commission. They blithely delivered statements bereft of the most basic grasp of human rights concepts, laying themselves open to contempt and insulting the dignity of the Commission. For example, the previous day the observer for Myanmar had denied the existence of human rights violations there, being seemingly unaware of the masses of refugees that had fled the country. Similarly, the observer for Malaysia had stated that the establishment of the national human rights commission was consistent with the Paris Principles. That was blatantly untrue.

84. A key element of a refresher course would have to be the incorporation of the gender perspective: some Government delegates did not seem to be aware that women, too, were human beings. More generally, there were Governments that failed to implement the commitments they made at the Commission, in such areas as training police and security forces not to violate human rights. Many NGOs would much prefer to work with their Governments to implement human rights principles instead of travelling to the Commission every year to report on yet more human rights violations at home. She hoped that the advisory services and technical cooperation offered through international human rights mechanisms would be able to address the concerns she had expressed.

85. Mr. OWONA (International Young Catholic Students) said that the situation in Haiti had become more and more alarming. The Haitian authorities had failed to deliver on the promises they had made the previous year, adducing insufficient funds and the fact that the United States Government was still holding the documents of the Front pour l'avancement et le progrès Haïtien (FRAPH).

86. The fact was that the executive in Haiti sought power by all means and turned a blind eye to the assassinations of members of the opposition and other persons critical of the regime and its governance, including Father Jean-Pierre Louis of Jeunesse Etudiante Chrétienne and Jean Dominique of Radio Inter.

87. The main challenge facing the country was the promotion of the rule of law and the establishment of a modern, independent, fair and accessible judiciary. The Commission should monitor the protection of human rights defenders in Haiti and urge the Government to hold early and fair elections.

The meeting rose at 12.55 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 April 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

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RATIONALIZATION OF THE WORK OF THE COMMISSION

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GE.00-13313 (E)

The meeting was called to order at 3.10 p.m.

RATIONALIZATION OF THE WORK OF THE COMMISSION (agenda item 20) (E/CN.4/2000/112, 114, 120,122 and 123; E/CN.4/2000/CRP.1; E/CN.4/1999/104; E/CN.4/1999/WG.19/2 and 3; E/CN.4/Sub.2/1999/47)

1. Ms. ANDERSON (Chairperson of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights), introducing the report of the Working Group (E/CN.4/2000/112), said that the report should be seen as a coherent whole and that the Working Group had endeavoured to reach a balanced position through extensive debate. The consideration of fundamental issues deserved as much attention as the recommendations of more immediate significance. The report of the Bureau of the fifty-fourth session of the Commission (E/CN.4/1999/104) was of a quality that had proved to be of great help to the Working Group in its deliberations, as had the clarity of the mandate that it had received from the Commission in the statement made by the Chairperson of the fifty-fifth session.

2. The Working Group's report was the result of compromise, as was evident from the concluding observations of delegations before the adoption of the report (E/CN.4/2000/CRP.1). The breadth of participation and the high level of interest in the debate had given vitality and real significance to the Group's work. The debates had been animated and had given rise to genuine dialogue. The Working Group had operated on the basis of consensus, as the Commission had requested, which had given it a sense of common purpose and had strengthened it in its determination to overcome suspicion and mistrust. It had thereby endeavoured to avoid two pitfalls, first that of too readily forgoing advances of substance and second that of isolating uncooperative delegations in the hope of forcing them into acquiescence. The Working Group did not claim that all its decisions were the right ones but it had worked in a way that was fair and open,with a genuine spirit of consensus.

3. The Commission must now decide the rhythm at which the task of reform should be conducted. It would be useful, before taking any new measures, to look closely at the implementation of the Group's recommendations. She hoped that the work that had been done would strengthen the Commission's willingness to make a concerted effort towards reaching the common human rights objectives and warmly thanked all those who had participated in the Group's work.

4. Mr. HARAGUCHI (Japan) congratulated the Working Group on its report, which was close to the best that could have been hoped for under the circumstances and would hopefully be adopted by consensus and without amendment. It was only the first step, however, and the reform process must follow. His delegation noted with satisfaction that many of its proposals had been taken into account in the report, particularly concerning the need to strengthen the complementary nature of the relationship between the Commission on Human Rights and the Third Committee of the General Assembly, the role of the Sub-Commission, the consideration of communications under the 1503 procedure, policies relating to mandate holders and the strengthening of the Office of the High Commissioner for Human Rights.

5. The Sub-Commission should definitely remain an advisory body and should not take positions by adopting resolutions. Thus, instead of spending much of their time, as some did, lobbying for the adoption of their draft resolutions, the experts of the Sub-Commission could study the fundamental issues calmly and carefully, so that their deliberations would be of greater use to the Commission.

6. With regard to the number of mandate holders, his delegation favoured a case-by-case approach. If special rapporteurs did not receive the necessary support, however, it would once again have to request a strict limit in numbers. It hoped that the general criteria laid down in the Working Group's report for the rationalization of mandates would be fully respected.

7. He said that his delegation regretted the over-abundance of draft resolutions that had to be addressed by the Commission and the fact that there were too many evening and even night meetings, and underlined the need to further rationalize the working methods of the Commission.

8. Mr. AMORIM (Brazil) said that he was satisfied with the results achieved by the Working Group and that, under the wise leadership of Ms. Anderson, it had brought about some improvements in the way the Commission worked, which were likely to provide better protection and promotion of human rights. As the Secretary-General of the United Nations had highlighted, it was very important to protect the most vulnerable and, therefore, to find more effective ways of enforcing international and human rights law and to fight against impunity. Likewise, as a result of the inhuman character of poverty, a new "global solidarity" was emerging, of which the President of Brazil was a strong advocate.

9. The Commission's debates, often politically motivated, did not always contribute to promoting human rights, nor did they favour such global solidarity. A highly critical article published on 19 April 2000 in the Swiss newspaper Le Temps, suggesting that the Commission on Human Rights issued punishments and pardons at random, should be cause for reflection. In that connection, he referred to an idea that had first been presented to the Commission at its fifty-fourth session by Mr. José Gregori, former Secretary of State for Human Rights and current Minister of Justice in Brazil. Mr. Gregori, who had been awarded the United Nations Human Rights Prize in 1998, had suggested that objective and universally accepted criteria should be drawn up by members to evaluate the human rights situation in the different countries of the world. He had also proposed that the Office of the High Commissioner for Human Rights should prepare a biannual report on the human rights situation in all parts of the world, the legitimacy of which would be safeguarded by its multilateral character and the credibility of which would therefore be difficult to challenge. The Commission would focus its attention on the most serious and systematic violations of human rights on the basis of the most independent and objective analyses available.

10. The drafting of a global report was not possible unless every country was willing to be scrutinized and criticized in a spirit of global solidarity and concern for the victims of injustice. The occasional discomfort that would cause for Governments would be outweighed by the fact that the analyses would be credible and that selectivity and politicization would be reduced. It would, of course, be useful to examine how such a proposal would be enforced, and above all,

how to guarantee the independence of those who would be responsible for drafting the global report, as well as how to follow up its conclusions. His delegation would like to know the opinions of the members of the Commission on the subject.

11. Mr. GOPINATHAN (India) welcomed the spirit of dialogue and compromise shown by the delegations that had participated in the work of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights.

12. In its report, the Working Group recognized the need to grant equal importance to civil and political rights and to economic, social and cultural rights. It also underlined the importance of a balanced allocation of resources within the Office of the High Commissioner. His delegation considered that such should be the case with financial as well as human resources.

13. His delegation fully supported the Working Group's opinion that the financial situation of the Office of the High Commissioner should be improved significantly through increased contributions from the regular budget of the United Nations but also from voluntary contributions. Voluntary contributions should not be earmarked.

14. With regard to the criteria for rationalizing mandates, his delegation underlined the need to maintain a balance between thematic mandates, to avoid duplication and to ensure that mandates always offered a clear prospect of improving the promotion and protection of human rights.

15. Whilst his delegation supported the recommendations made in Chapter Two of the report, it considered that the analysis, promotion and protection of human rights was above all the responsibility of States. The only way to make lasting progress in that area was through the strengthening of democratic institutions and national capacities, and the role of international human rights mechanisms should be to support the measures taken in that direction.

16. The Working Group had considered it necessary to strengthen the role of the Commission in determining the priorities of the Sub-Commission. Thus, the Commission was faced with the heavy responsibility of charting a clear course for the Sub-Commission whilst ensuring that it maintained a degree of initiative in carrying out research and studies.

17. With regard to the Commission's working methods, his delegation attached particular importance to meeting the deadlines for issuing documents, to the transparency of consultations and negotiations on resolutions and to the rationalization of the agenda.

18. Mr. KHORRAM (Observer for the Islamic Republic of Iran) expressed his appreciation of the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights. Nevertheless, he observed that some views had been omitted, which could damage the comprehensive nature of the report, and that some recommendations did not really reflect the opinions of many of the delegations that had participated in the negotiations. Furthermore, despite the fact that the Working Group's objective had been to increase the efficiency of the Commission's mechanisms, its report tended to encourage some duplication of activities.

19. As the report of the Bureau of the fifty-fourth session of the Commission (E/CN.4/1999/104) underlined, the establishment of country-specific mandates was one of the Commission's most sensitive and gravest tasks. Many participants in the review process for those mandates had remarked that the current procedure was unduly political, confrontational and selective. The Working Group had not paid enough attention to the issue and did not put forward any concrete solutions in its report to encourage dialogue and cooperation and to avoid confrontations on the matter.

20. Likewise, the Working Group had not paid due attention to considering country situations within the context of promotional activities and national capacity-building relating to human rights. It had offered no proposals for depoliticizing the Commission's work on "situations".

21. The issue of cooperation with the special procedures warranted in-depth consideration. Although many delegations, including his own, had addressed the legal aspects and nature of the cooperation, that was not reflected in the report. The concept of cooperation, as presented in Article 55 of the Charter of the United Nations, was positive and was based on encouragement, whereas the concept which was put forward in the report tended to be enforced and was distanced from the relevant legal basis.

22. The Working Group's report, as an official United Nations document, must have a specific legal foundation, follow the guidelines emanating from the Charter of the United Nations and international law and reflect all the views expressed in the consultations.

23. In spite of those considerations, his delegation joined the consensus in the hope that the effective implementation of all the recommendations contained in the report would enhance the effectiveness of the Commission's mechanisms, by ensuring that the mechanisms observed the principles of objectivity, impartiality, universality and indivisibility of all human rights and avoided any selectivity or politicization.

24. Mr. HAMIDON (Observer for Malaysia), after thanking Ms. Anderson for her efforts in chairing the Working Group, said that his delegation was nevertheless extremely disappointed with the report that had been submitted. First, the report did nothing to clarify the issue of special rapporteurs' term of office. Yet it was stipulated clearly in paragraph 7 (ii) of the statement made by the Chairperson of the fifty-fifth session of the Commission on Human Rights, dated 29 April 1999, that the maximum term of office for special rapporteurs should be six years, and that, as a transitional measure, those who had carried out their duties for over three years could only be reinstated for a further three years at most. The report made no reference to that provision. Such a rule would enable mandate holders to maintain the necessary detachment from and objectivity about the subject of their work. It would also provide for the regular renewal of perspectives and capacity-building. Many others shared his delegation's point of view, particularly the members of the Like-Minded Group and the Asian Group. His delegation deeply regretted that their views had not been taken into account.

25. With regard to the issue of cooperation with the mechanisms of the Commission on Human Rights, which was addressed in paragraph 25 of the report, his country's attitude had always been extremely positive. Malaysia had always willingly cooperated with the Commission's mechanisms, considering that international law, for all its imperfections, was the

best guarantee against arbitrariness and abuses of power. Nevertheless, his delegation did not think that there was a legal "obligation to cooperate" per se, particularly when a special rapporteur carried out an investigation into a country of which he or she was a national, when manifestly opposing the Government of that country. It was therefore time for the Commission on Human Rights to look into the issue of whether it was appropriate for special rapporteurs to examine cases involving their own country. Under Article 55 of the Charter of the United Nations, cooperation must be promoted, particularly through dialogue and capacity-building, appropriate but not imposed. Cooperation could not succeed unless the parties, including the mechanisms of the United Nations, had a sense of responsibility.

26. Mr. MOUNIR (Observer for Egypt) said that the Working Group's report was a balanced document that reflected a will to reconcile what were sometimes very differing points of view. Five lessons could be drawn from the Working Group's report. First, the key factor was to be in agreement about the objective, namely improving human rights protection, even if opinions varied about how to reach that objective. Second, respect for differences and willingness for dialogue were essential. Third, it needed to be recognized that the realization of human rights was a gradual process and excessively ambitious rules should not be laid down. Even the slightest progress was positive. Fourth, consensus was, of course, proof of universality, but lack of a consensus did not automatically signify lack of progress. The fact that no consensus had been reached simply meant that situations differed and that there were entirely legitimate specific cultural conditions at play. Finally, reviewing the mechanisms of the Commission on Human Rights must be an overall process; in other words, one aspect of human rights must not be given priority over another.

27. Ms. TERLINGEN (Human Rights Watch and Amnesty International) said that the Working Group had not fulfilled its mandate. It had provided no response to the serious problems faced by many rapporteurs, namely insufficient support from the United Nations and a lack of real cooperation from many States. It was regrettable that the Working Group had not adopted many of the recommendations made by the Bureau of the Commission, which it had recognized as being necessary for genuine changes to take place. The few recommendations made by the Working Group were insignificant, because of the wish to reach a consensus at all costs.

28. With regard to cooperation, the Working Group simply requested the Governments concerned to explain their reasons for failing to cooperate with special procedures. However, in its report to the Commission, the Bureau stated that the essential foundation on which the effectiveness of the Commission and its mechanisms rested was the responsibility of all Governments to cooperate fully with all those mechanisms. She fully endorsed that point of view. The Commission should, at the start of its sessions, call upon all States to invite mandate holders to visit their countries and should ensure that the Secretary-General of the United Nations was informed of any State that persistently refused to cooperate with the special procedures.

29. Human Rights Watch and Amnesty International said that the Commission should not only discuss the special rapporteurs' reports, as the Working Group suggested, but should allow adequate time for the debate and involve States, United Nations agencies and non-governmental organizations (NGOs). Special procedures could only be effective if the Office of the

High Commissioner for Human Rights provided them with the necessary support. Yet, despite the considerable rise in the number of mandates created since 1995, the resources allocated to them in the regular budget, far from having increased, had decreased during the same period. In that regard, the Commission should ask the Office of the High Commissioner to assess the resources needed to finance the services of people with appropriate expertise to assist the special rapporteurs. It should also urge its Member States to ask their delegations at the Fifth Committee of the General Assembly to vote in favour of the necessary resources.

30. She regretted the Working Group's proposal to deprive the Sub-Commission of the possibility of mentioning countries in thematic resolutions. Furthermore, the Working Group had failed to set a time limit for Sub-Commission membership, which was essential if the body were to be rejuvenated.

31. Finally, the weakness of the recommendations in the Working Group's report demonstrated once again the lack of political will on the part of many Commission members when it came to genuinely strengthening the entire system of special procedures.

32. Ms. SVENSSON-McCARTHY (Human Rights Advocates), speaking on behalf of her organization and three other NGOs, namely Earth Justice Legal Defense Fund, Pax Romana and the Lutheran World Federation, said that the Working Group's report, even if it did contain some positive aspects, such as the suggestions made concerning the 1503 procedure, fell short of expectations.

33. With regard to the issue of Governments' cooperation with the mechanisms of the Commission, it was important for Governments to explain the reasons for their failure to cooperate, but such explanations did not constitute an excuse per se, since under Articles 55 and 56 of the Charter of the United Nations, cooperation was a duty. Moreover, given the extreme importance of the urgent appeals made by the special rapporteurs, adequate replies from Governments were essential. In situations involving a threat to human life, the special rapporteurs and working groups needed the full cooperation of the Governments concerned. In that connection, she called upon all Governments to fulfil their obligations.

34. The Working Group rightly recommended that there should be an interactive debate following the introduction of a report by a special rapporteur. Such a debate must take place immediately after the presentation of the report in question, as proposed in paragraph 30 (ii) of the Working Group's report, even if that did require some rescheduling of statements by special guests. Human Rights Advocates endorsed the proposal to extend the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic products and wastes so that the rapporteur would henceforth be responsible for all environmental issues which had adverse implications for the enjoyment of human rights.

35. The Working Group's recommendations about the Sub-Commission were extremely disappointing, whether it was the proposal to limit the Sub-Commission's mandate or the proposal to reduce the length of sessions. Overall, the Working Group's proposals could damage the Sub-Commission's efficiency, particularly in its capacity as a body with an important preventive role to play. As the Secretary-General and the High Commissioner for Human Rights had both emphasized, it was essential to pay more attention to the prevention of human rights

violations. The fact that the Sub-Commission could not adopt country-specific resolutions or make reference to country names was regrettable, but that should not prevent it from making recommendations to the Commission, so that the Commission could take appropriate action when human rights were violated or threatened in any part of the world.

36. Finally, Human Rights Advocates called upon all Governments to increase their funding to the Office of the High Commissioner. All it would take was a reduction, however marginal, in their military budgets.

37. Mr. PARY (Indian Movement "Tupaj Amaru") pointed out that the objective of rationalizing the work of the Commission was to rectify the current imbalance between civil and political rights and economic, social and cultural rights, the latter having been neglected by Western countries which were only seeking, through the Commission and its mechanisms, to maintain their neo-colonial domination over the Third World. The richest economic power used and abused the Commission on Human Rights, exploiting it for political reasons to put other countries in the dock. That power, however, was the one that did not pay its dues to the United Nations and that neglected the so-called "third generation" rights, such as the right to food, shelter and development, along with other issues such as the fight against extreme poverty and all forms of racial discrimination and the issues of foreign debt and structural adjustment.

38. In that regard, the Working Group's recommendations were far from satisfactory. Such was the case with the proposal to merge the mandate of the independent expert on structural adjustment with that of the Special Rapporteur on foreign debt. At a time when chaos prevailed in the financial system, instead of merging the two mandates, it would have been preferable to broaden their respective responsibilities. The other recommendations of the Working Group tended to weaken the mechanisms of the Commission and the Sub-Commission. A particular instance was the recommendations to reduce the duration of the session of the Sub-Commission and to limit its membership, to abolish some working groups and to limit the participation of NGOs in the work of human rights bodies.

39. Special rapporteurs and experts should be guided by the principles of independence, impartiality, transparency and objectivity. In accordance with the principle of equitable geographical distribution, candidates from developing countries should be appointed for such tasks. The Bureau of the fifty-fourth session of the Commission had recommended NGOs should nominate candidates for appointment as special rapporteurs, previously a right reserved exclusively for States. That had been seen as a significant move towards the democratization of the United Nations. The Working Group, however, had not adopted the recommendation.

40. For indigenous peoples, the rationalization of the Commission's mechanisms meant implicitly that the Working Group on Indigenous Populations would be dissolved as soon as the issue of the permanent forum for indigenous peoples had been resolved. The Commission should not forget, however, that the Working Group on Indigenous Populations was the only permanent body that was democratically open to indigenous people and their grass-roots organizations, regardless of whether they had consultative status with the Economic and Social Council. Abolishing the Working Group would mean depriving indigenous peoples of the right

to participate freely in the organs of the United Nations system. The Commission on Human to Rights should, on the contrary, maintain the Working Group on Indigenous Populations, assigning it a standard-setting mandate and expanding its membership to include indigenous representatives.

41. In the meantime, the Working Group had made no progress in the consideration of the draft declaration on the rights of indigenous peoples, which was precisely the purpose of its mandate. The lack of progress was due to the lack of political will on the part of States. The Commission should extend the Working Group's mandate and specify that the work must be completed in a reasonably short period of time, in accordance with the guidelines laid down by the General Assembly in resolution 41/120.

42. Mr. CHAKMA (South Asia Human Rights Documentation Centre) said that the Working Group had not addressed the fundamental issues raised at the fifty-fifth session of the Commission by the Asian NGOs dealing with human rights. Instead of enhancing the effectiveness of the Commission's mechanisms, the Working Group's recommendations were part of a conspiracy hatched by the Like-Minded Group of countries to avoid the scrutiny of international mechanisms, indeed to destroy them.

43. The Working Group's recommendation that the reports of special rapporteurs should be made available to Governments to give them the opportunity to comment and that those comments should be annexed to or distributed with the reports, could only be justified if the comments were also transmitted to the NGOs, in consultative status with the Economic and Social Council, of the country involved, and if their respective observations on the Government comments were also included in the reports of the special rapporteurs or working groups. Unfortunately, many countries, particularly those of the Like-Minded Group, dealt with the periodic reports and recommendations of the treaty bodies in a way that evoked distrust.

44. The retrograde nature of the Working Group's recommendations on the 1503 confidential procedure was beyond comprehension. The Working Group recommended that communications arising from the 1503 procedure should remain confidential, although it was recognized that the efficiency of human rights mechanisms lay in transparency and accountability. Secrecy only served to guarantee impunity and blocked any meaningful dialogue. In many democratic countries, even classified, in other words confidential, documents were made public after a certain period of time. Many countries had adopted laws recognizing the right to information. Therefore, the Working Group's recommendations constituted a violation of that right and of the freedom of expression. His organization suggested that the debates under the 1503 confidential procedure should be made public after a certain period of time.

45. The Working Group recommended that the Sub-Commission should refrain from adopting resolutions containing references to specific countries, under the pretext that that could overlap with the work of the Commission. The Working Group was thus attempting to shield countries from scrutiny by independent experts. Nevertheless, if the aim was to avoid duplication of work, should it be understood that the Sub-Commission could debate situations

that had not been addressed by the Commission on Human Rights? If such was the case, the Sub-Commission should, for example, debate the human rights situation in China at its fifty-second session, since at the current session of the Commission on Human Rights, the draft resolution relating to China had not been adopted.

46. Mr. ÖZDEN (Centre Europe - Tiers Monde (CETIM)) said that the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) had been presented as the result of a consensus. However, although the general principle that both sets of rights were equal had been affirmed, that was not reflected in the proposals. For instance, the recommendation to merge the mandate of the Special Rapporteur on foreign debt with that of the independent expert on structural adjustment was unjustified. Likewise, if the proposal to convert the mandate of the Special Rapporteur on toxic waste into that of Special Rapporteur on human rights and the environment seemed praiseworthy, it would nevertheless be necessary to ensure that the new mandate was clearly defined. Lastly, the report provided for a series of measures to be taken in the event of refusal to cooperate in situations of serious violations of civil and political rights. Those measures should also be applied to violations of economic, social and cultural rights. By the same token, it was important to ensure that resources were equally and efficiently shared between the different mandates.

47. Furthermore, it was striking to note that the report said nothing about prevention.

48. The Commission hoped that the Sub-Commission would endeavour to carry out studies and research, but that it would not adopt any country-specific resolutions. That was an interesting proposal provided that the Sub-Commission continued to debate thematic issues, such as the adverse effects of globalization or the implementation of the right to development. He hoped that the proposal to reduce the duration of the Sub-Commission's session to three weeks would be a provisional measure.

49. The idea that a list of the most highly qualified candidates should be maintained by the Office of the High Commissioner for Human Rights could be problematic, since supplementary candidatures would not be accepted other than in exceptional cases.

50. In conclusion, CETIM hoped that any research into the efficiency of human rights mechanisms would be done in good faith and with a view to the effective protection and promotion of all human rights.

The meeting rose at 4.30 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

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(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (continued)

The meeting was called to order at 10.10 a.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/L.38-L.44, L.45/Rev.1, L.46-L.51, L.53 and L.54; E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I, draft decision 7)

Draft resolution on hostage-taking (E/CN.4/2000/L.38)

1. Mr. BOYCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, said that hostage-taking was a grave violation of human rights which could not be justified under any circumstances. It was a phenomenon which knew no borders, and the international community was required to take decisive and concerted measures to put an end to that barbaric practice. The draft resolution was based on previous Commission resolutions on the subject, and he hoped that it could adopted by consensus. By so doing the Commission would be in conformity with the Vienna Declaration and Programme of Action in expressing its deep concern at the extremely negative consequences of hostage-taking for the realization of human rights.

2. At the request of one of the sponsors, he was restoring the original text of the fourth preambular paragraph from Commission resolution 1999/29, so that the paragraph would read: "Recalling its previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as a hostage".

3. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia, El Salvador, Nepal, Portugal and the United Kingdom and the observers for Nicaragua and Uruguay had become sponsors of the draft resolution.

4. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights and terrorism (E/CN.4/2000/L.39)

5. Mr. MERIC (Observer for Turkey), introducing the draft resolution on behalf of its sponsors, said that, if adopted, it would constitute the latest in a series of similar resolutions adopted in the Commission and the General Assembly since the last World Conference on Human Rights. It once again reflected the unequivocal condemnation by the international community of terrorism in all its forms and manifestations and expressed the international community's serious concern at the gross violations of human rights perpetrated by terrorist groups.

6. He observed with satisfaction that the basic understanding of the Vienna Declaration and Programme of Action that terrorism destroyed and violated human rights was rapidly gaining ground. The Special Rapporteur of the Sub-Commission had confirmed that understanding in her preliminary report presented to the Sub-Commission in 1999. The European Parliament, in its resolution entitled "Respect for human rights in the European Union", adopted on 16 March 2000, had also explicitly stated that terrorism was a violation of human rights. The European Parliament's commendable stance against terrorism in the field of human rights was in stark contrast to the abstention that the European Union had been displaying in the Commission in recent years.

7. The draft resolution drew attention once again to the connection between the provision of safe haven and impunity given to terrorists, which unfortunately existed despite all national and international efforts, and the continued occurrence of terrorism with its negative effects in the field of human rights. It highlighted the possibility of massive damage, including huge loss of human life, being caused by the terrorist exploitation of new technologies. The draft resolution also aimed to address the shortcomings that the Special Rapporteur of the Sub-Commission faced in terms of finance and staff resources.

8. He wished to give a clear understanding to the Commission that the draft resolution was without prejudice to the right of peoples under colonial or other forms of alien domination or foreign occupation to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right to self-determination. That should not be construed, however, as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign, independent and democratic States.

9. If the draft resolution were adopted, its paragraph 11 would supersede draft decision 7 proposed by the Sub-Commission and entitled "Terrorism and human rights".

10. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia and El Salvador and the observer for Cameroon had become sponsors of the draft resolution.

11. Mr. BOYCHENKO (Russian Federation) said it was extremely important that the Commission should continue to devote attention to the negative impact of terrorism on human rights. Terrorism represented a serious threat to democracy and the institutions of civil society. Its manifestations were encountered by many States in all parts of the world, and the issue deserved to remain on the Commission's agenda.

12. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that under its terms the Commission would approve the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary in order to hold consultations with the competent services and bodies of the United Nations, to complement her essential research and to collect all the up-to-date information and data needed for the preparation of the progress report. The activities envisaged by the draft resolution would consist of two trips to Geneva and one to Vienna at an estimated total cost of US$ 13,800. The budget for the biennium 2000-2001 included provisions to cover one trip per year by the Special Rapporteur to Geneva for consultations and to present the report to the Commission as well as general temporary assistance provisions in support of the mandate. It did not include any provisions to cover the additional activities envisaged. However, it was anticipated that the costs arising from those additional activities would be absorbed within existing resources.

13. Mr. KOH (United States of America), speaking in explanation of vote before the voting, said that his Government clearly understood that terrorists and terrorist groups did not respect human rights and fundamental freedoms, and it had a strong and continuing commitment to combat the evil of terrorism which included cooperating fully with the appropriate mechanisms established by the international community. Unfortunately, however, the sponsors of the draft resolution had again included language that granted terrorists and terrorist organizations a measure of legitimacy by equating their conduct with that of States. States were held responsible for human rights violations. Terrorists, on the other hand, were not State actors but criminals who bore individual responsibility for their actions. For that reason, his delegation believed that the subject of terrorism was best addressed in other forums, such as the Sixth Committee of the General Assembly. He called for a vote to be taken on the draft resolution, and said that, with regret, his delegation would again be obliged to abstain.

14. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that the Union reaffirmed its unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed and whatever the considerations invoked to justify them. The fight against terrorism remained a matter of the highest priority for the Union, which believed that efforts to combat terrorist acts should at all times be compatible with full respect for human rights and fundamental freedoms, and that the fight against terrorism had to be carried out in accordance with international human rights law.

15. As a matter of principle, the Union could not subscribe to the assertion that terrorist acts as such constituted human rights violations. A clear distinction had to be made between acts which were attributable to States and criminal acts which were not, in order to avoid conferring upon terrorists any status under international law. For that reason the twenty-first preambular paragraph and paragraphs 1 and 2 were unacceptable.

16. The Union was still of the opinion that the Sixth Committee of the General Assembly was the forum best suited for a thorough examination of the question of terrorism, and it could therefore not support such an issue remaining on the Commission's agenda. The Union had participated in consultations on the draft resolution with a view to making the text more acceptable and in line with international human rights law. That not being the case, the Union would be voting against the draft resolution.

17. Mr. DE ICAZA (Mexico) said that his Government resolutely and unequivocally condemned all acts, methods and practices of terrorists. However, with regard to the twenty-first preambular paragraph of the draft resolution, his delegation was concerned about the linkages established between terrorist acts and human rights, identifying terrorist acts as human rights violations rather than as crimes. The legal and conceptual difference between the two and their consequences continued to be the most appropriate approach for the international community to take in its struggle against the crime of terrorism. For that reason, his delegation would abstain from voting on the draft resolution.

18. Mr. NAESS (Norway) said that his country condemned all acts and methods of terrorism and remained deeply committed to international efforts to combat it. However, his delegation believed that the Sixth Committee of the General Assembly was the forum best suited for a thorough examination of the question of terrorism, and could not accept the assertion in the draft resolution that terrorist groups committed violations of human rights. In his Government's view, terrorists committed crimes for which they had to be brought to justice. Although acts of terrorism could have serious effects on the enjoyment of human rights, human rights obligations rested solely with Governments. For those reasons, he was compelled to vote against the draft resolution.

19. Mr. SUMI (Japan) said that his Government unequivocally condemned all acts, methods and practices of terrorism and was committed to enhancing international cooperation in the fight against it, but it could not support the understanding that terrorist groups violated human rights, as described in the twenty-first preambular paragraph of the draft resolution. Terrorists were criminals. Furthermore, the issue of terrorism should be dealt with in another forum, rather than in the Commission. His delegation would abstain from voting on the draft resolution.

20. Ms. CHATSIS (Canada) said that her country strongly condemned the use of violent means to bring about political change, and had been at the forefront of the international fight against terrorism. Nevertheless, her delegation was unable to support the draft resolution, which failed to address the questions raised by the perpetration of terrorist acts in relation to human rights. The Commission's principal responsibility was to address violations by States of the human rights obligations they had with respect to their citizens pursuant to international law. While acts of terrorism unquestionably had tragic consequences for the enjoyment of human rights, terrorism was a crime and terrorists should not be accorded special status by being treated

as anything other than criminals. Terrorism was thus not an issue that should be dealt with by the Commission. It should be addressed, and was being addressed, in other forums, such as the Sixth Committee of the General Assembly. In view of its serious concerns about the substance of the draft resolution, her delegation would vote against it.

21. Mr. OYARCE (Chile) reiterated his Government's view that the concept of human rights violations was institutional and as such imputable only to States and their agents. His delegation reaffirmed its condemnation of all forms of terrorism and its belief that terrorism was a phenomenon that should be dealt with in other forums. Maintaining that terrorist acts constituted violations of international law distorted the international human rights doctrine and might affect the international system of protection of human rights, weakening the responsibility of States in the matter. His delegation would abstain in the vote.

22. Mr. RODRÍGUEZ CEDEÑO (Venezuela), said that only States assumed obligations in the field of human rights, and so human rights violations were attributable only to them. Acts committed by terrorists were criminal acts. The reference in the twenty-first preambular paragraph of the draft resolution to the violation of human rights by terrorist groups might legitimize those groups by placing their responsibilities on an equal footing with those of States. His delegation would be abstaining in the vote.

23. Mr. IBRAHIM (Sudan), said that his Government unequivocally rejected terrorism in all its forms and, consequently, his delegation would vote in favour of the draft resolution.

24. The draft resolution was adopted by 27 votes to 13, with 12 abstentions.

25. The CHAIRMAN said that action on draft decision 7 recommended by the Sub-Commission was no longer warranted, since it had been superseded by the resolution just adopted.

Draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/2000/L.40)

26. Mr. RONNAS (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that the text of paragraph 6 had been changed, with the approval of the other sponsors. In the second line of that paragraph, the words "honour killings" should be replaced by the words "killings committed in the name of passion or in the name of honour".

27. Having commended the important role of the Special Rapporteur, the Commission noted with concern the large number of killings in the name of passion or honour, of persons killed because of their sexual orientation and of persons killed for reasons related to their peaceful activities as human rights defenders or journalists. It expressed its strong condemnation of all the extrajudicial, summary or arbitrary executions that continued to take place through the world, and demanded that Governments take effective action to combat and eliminate the phenomenon. He hoped that the draft resolution would be adopted without a vote.

28. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, El Salvador, Morocco and the United Kingdom and the observers for Angola, Equatorial Guinea and Georgia had become sponsors of the draft resolution.

29. Ms. RUBIN (United States of America) welcomed in particular the inclusion of paragraph 6, which noted the Commission's concern about killings in the name of honour and cases in which people had been killed because of their sexual orientation. During the current session, ner delegation had already noted its deep concern about women who were killed by relatives for allegedly bringing shame on their families, and had made it clear that Governments must accept their responsibility to prosecute those arbitrary killings. Her delegation had also spoken during the session of the discrimination homosexuals faced in virtually every country and of the need for Governments to prosecute those responsible when such vulnerable individuals were subjected to arbitrary killing.

30. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights and forensic science (E/CN.4/2000/L.41)

31. Mr. RONNAS (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that it had been negotiated in open-ended consultations and he hoped that it would be adopted without a vote, as in previous years.

32. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Japan, the Philippines, and the United States of America and the observer for Israel had become sponsors of the draft resolution, which had no financial implications.

33. The draft resolution was adopted.

Draft resolution on implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/2000/L.42)

34. Ms. CHRISTIAN (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, said that it dealt with a fundamental human right, namely, freedom of religion and belief. A new element in the current draft resolution was the change in the title of the Special Rapporteur to reflect the more positive side of his mandate. She thanked all the interested delegations for participating in the open consultations on the draft resolution, and hoped that, as in the past, the Commission would adopt it by consensus.

35. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of El Salvador, Mauritius, Norway, Philippines and Tunisia and the observers for Cameroon, Israel and Uruguay had become sponsors of the draft resolution, which had no financial implications.

36. The draft resolution was adopted.

Draft resolution on conscientious objection to military service (E/CN.4/2000/L.43)

37. Mr. RYTOVUORI (Observer for Finland) introducing the draft resolution on behalf of its sponsors, said that the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, was an issuc that needed further attention from the Commission. The compilation and analysis requested from the Office of the High Commissioner for Human Rights (OHCHR) could serve as a useful tool for

States in their consideration of various forms of alternative service for conscientious objectors or other ways of recognizing the right of conscientious objection to military service in their national legislation or policies. He wished to stress that the draft resolution did not deal with the right of States to maintain an army, nor did it undermine national values or breach the principle of equal application of the law.

38. He drew attention to some changes made to paragraph 2 which should read:

> "Requests the Office of the United Nations High Commissioner for Human Rights to prepare a compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, based on the provisions of resolution 1998/77; and to seek such information from Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, and to submit a report containing this information to the 58th Commission on Human Rights under the agenda item entitled 'The question of conscientious objection to military service'."

39. He hoped that the draft resolution would, as in previous years, be adopted without a vote.

40. The draft resolution, as orally revised, was adopted.

Draft resolution on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2000/L.44)

41. Mr. GUILLERMET (Observer for Costa Rica), introducing the draft resolution on behalf of its sponsors, said that it sought to establish a mechanism for preventive visits by a group of experts to places of detention. Such visits, and the draft protocol itself, were aimed at prevention, and were based on the principle of technical cooperation and confidentiality as a means to improve conditions in such places. The working group was close to completing its work on the draft optional protocol but a renewal of its mandate was necessary for the purpose. He hoped that the draft resolution would be adopted, as in previous years, by consensus.

42. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Germany and the Russian Federation, and the observers for Australia, Nicaragua and Panama had become sponsors of the draft resolution, which had no financial implications.

43. The draft resolution was adopted.

Draft resolution on promoting and consolidating democracy (E/CN.4/2000/L.45/Rev.1)

44. Mr. MAXIM (Romania), introducing the draft resolution on behalf of its sponsors, said that it did not attempt to set up a model of democracy but laid out some essential elements of democracy and a variety of ways in which Governments could promote and consolidate it. Since the draft resolution had first been circulated, a significant number of constructive changes to the

text had been made at the suggestion of delegations, including some that were not sponsors. The revised draft resolution thus reflected broad support for democratic values and practices. He hoped that all delegations would support it.

45. Mr. DUMITRIU (Romania) said that a new preambular paragraph should be inserted between the current fifth and sixth paragraphs to read: "Recalling also General Assembly resolution 53/243 of 13 September 1999, containing the Declaration and Programme of Action for a Culture of Peace,". The first line and half of the second line of the tenth preambular paragraph should read: "Welcoming measures such as the Organization of American States resolution 1080, the Organization of African Unity decision 12/XXXV and ...". In the thirteenth preambular paragraph, the words "Noting that" should be replaced by "Taking note of" and the word "is" after the word "Democracies" should be deleted. In the fifth line of that paragraph the words "the Francophonie" should become "la Francophonie" and, in the last line, the word "areas" should be replaced by "space".

46. In paragraph 1, subparagraph (c), (ii), the words "or other officer authorized by law to exercise judicial power" should be inserted after the word "judge". In subparagraph (d), (ii), the words "in a free and fair process" should be inserted after the word "elected," and the phrase "and free from fraud and intimidation" should be deleted. In subparagraph (d), (iii), the words "as appropriate" should be inserted after the word "measures". In subparagraph (f), (ii), the word "and" in the first line should be deleted, the word "it" inserted after the word "disclosing" and the words "the corruption of" replaced by "all those involved in acts of corruption of and by".

47. In paragraph 2, last line, the words "paragraph 1" should be replaced by "the preceding paragraph". In paragraph 4, read "Member" for "member".

48. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, Botswana, Canada, Colombia, Czech Republic, India, Indonesia, Niger, Nigeria, Philippines, Senegal, Sri Lanka and Tunisia and the observers for Belgium, Croatia, Israel, Liechtenstein, Mongola, Slovakia and Slovenia had become sponsors of the draft resolution.

49. Mrs. de ARMAS GARCÍA (Cuba) said that her delegation needed more time to discuss the changes with other delegations and reach consensus. She therefore asked for consideration of the draft resolution to be postponed until 25 April 2000.

50. Mr. DUMITRIU (Romania) said that the revised version of the draft resolution (E/CN.4/2000/L.45/Rev.1) had been available since 18 April 2000. All the requisite procedures had been respected, and he would prefer that the draft resolution were adopted by consensus at the current meeting.

51. Mr. DE ICAZA (Mexico) said that the draft resolution dealt with an important matter. Its revised version (E/CN.4/2000/L.45/Rev.1) contained more than 10 changes of which his delegation had been hitherto unaware. Further changes had been made in a language that was not his own. While his delegation had been instructed to vote in favour of the draft resolution as it had previously appeared in Spanish, it needed further time in which to study the changes and seek instructions from its Government.

52. Mr. SIDDIG (Sudan) and Mr. DESPOUY (Argentina) supported the Cuban request that the decision on the draft resolution be postponed.

53. Mr. DUMITRIU (Romania) said he felt that no more discussion was necessary: as stated in paragraph 5, consideration of the matter would continue at the Commission's fifty-seventh session. There was thus no need to reach a consensus at the current session. While the rules of procedures must be observed, his delegation would prefer action to be taken forthwith. It was prepared, however, to postpone such action to the following meeting.

54. Mr. NAHOYO (Burundi) said that his delegation had received the revised version of the draft resolution (E/CN.4/2000/L.45/Rev.1) earlier that day, and had not had sufficient time to seek instruction concerning the changes. Postponement to the following meeting would not allow sufficient time for such instructions to be sought.

55. Mrs. de ARMAS GARCÍA (Cuba) said that several representatives had stated that they needed to be able to study the changes in their own languages. There was no point in adopting a draft resolution without a consensus. The matter should be postponed until the afternoon of 25 April 2000.

56. Ms. GLOVER (United Kingdom) said that her delegation supported the suggestion by the representative of Romania that a vote should be taken at the following meeting. Document E/CN.4/2000/L.58, which contained the proposed amendments, was not new: it had been available for two days.

57. The CHAIRMAN suggested that a decision be postponed until the following meeting.

58. Mr. FERNANDEZ PALACIOS (Cuba) said that a resolution on democracy should not be imposed in an undemocratic way. He appealed for dialogue. Many delegations needed time in which to study the changes in their own languages and seek instructions from their Governments. He requested that the decision on the draft resolution be postponed until the afternoon of 25 April 2000.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

59. Mr. DUMITRIU (Romania) said that, after consultations, the sponsors of the draft resolution were willing to agree that its consideration should be postponed until the 62nd meeting, in order to give delegations time for reflection.

60. It was so decided.

Draft resolution on the question of arbitrary detention (E/CN.4/2000/L.46)

61. Mr. PETIT (France), introducing the draft resolution on behalf of its sponsors, said that the phenomenon of arbitrary detention continued to cause concern. The Working Group on Arbitrary Detention, whose mandate had been renewed for three years at a time

in 1994 and 1997, had addressed 101 appeals to Governments relating to 579 people in 1999, whereas in 1998 there had been 83 appeals relating to 163 people. Consequently, the draft resolution contained a decision to renew the Working Group's mandate.

62. The draft resolution also drew attention to the situation of immigrants and asylum-seekers and encouraged Governments not to extend states of emergency unduly. Other highlights were the Working Group's concern about the situation of human rights defenders and about the excesses of "military justice" that sometimes occurred.

63. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Germany and Morocco and the observers for Angola, Bosnia and Herzegovina, Cyprus, Georgia and Uruguay had become sponsors of the draft resolution.

64. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to renew the Working Group's mandate for three years. The costs of renewing the mandate were estimated at US$ 94,400 per year and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

65. The draft resolution was adopted.

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/2000/L.47)

66. Mr. PETIT (France), introducing the draft resolution on behalf of its sponsors, said that the total number of cases dealt with by the Working Group on Enforced or Involuntary Disappearances had reached 49,070; the total of unresolved cases was 46,054; and 34 of the 69 countries where there were unresolved cases had not communicated with the Working Group. The draft resolution therefore highlighted the importance of measures to deal with impunity. He drew attention also to paragraph 9, which requested States, international organizations and non-governmental organizations (NGOs) to submit their comments, as a matter of high priority, on the draft international convention on the protection of all persons from enforced disappearance.

67. The Working Group was concerned that, owing to budgetary restrictions, it was not always able to carry out all aspects of its mandate. In particular, it needed to update its database.

68. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Germany, Morocco and the Republic of Korea and the observers for Angola, Bosnia and Herzegovina, Cyprus and Georgia had become sponsors of the draft resolution.

69. Ms. RODRIGUEZ-MANCIA (Guatemala), speaking as a sponsor of the draft resolution, underlined the importance of the draft international convention mentioned in paragraph 9, and regretted that no deadline - for example, 31 October 2000 - had been specified. Her delegation attached the utmost importance to the drafting of an international convention. She suggested that the Secretariat might still impose a deadline, so that the matter could be considered at the Commission's fifty-seventh session.

70. Mr. DESPOUY (Argentina), also speaking as a sponsor of the draft resolution, said that his delegation attached a high priority to consideration of a draft convention on enforced or involuntary disappearances. It was to be hoped that, at its fifty-seventh session, the Commission would be in a position to establish a working group to begin drafting the instrument.

71. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

72. The draft resolution was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/2000/L.48)

73. Ms. BUCK (Canada), introducing the draft resolution on behalf of its sponsors, said that it affirmed the importance of freedom of opinion and expression to the working of a free society. It also reiterated the commitment of the international community to promoting and protecting that right. The text reflected current developments, in particular in respect of the right to freedom of information, and articulated concern over violations of that right. A new paragraph (para. 5) had been added, which expressed concern that high rates of illiteracy continued to exist in the world.

74. The draft resolution encouraged States to ensure that their practice and legislation were in conformity with international standards and the Special Rapporteur was encouraged to focus, inter alia, on the relationship between the right to freedom of expression and violence against women. Cooperation with other bodies working on the issue was also stressed.

75. In the penultimate line of paragraph 13, subparagraph (b), the words "missions and joint" should be deleted, as should the words "relevant rapporteurs, including".

76. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia, Ecuador, El Salvador, Germany, India, Madagascar, Nepal and the United States of America, and the observers for Australia, Belgium, Equatorial Guinea, Greece, Israel, Malta, Mongolia, Nicaragua, South Africa, Ukraine and Uruguay had become sponsors of the draft resolution.

77. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

78. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights in the administration of justice, in particular juvenile justice (E/CN.4/2000/L.49)

79. Mr. THEUERMANN (Observer for Austria), introducing the draft resolution on behalf of its sponsors, said that it reaffirmed existing standards in the field of administration of justice, in particular juvenile justice, and called for their better implementation. He drew attention, inter alia, to paragraph 6, which stressed the special need for national capacity-building in the administration of justice, particularly in post-conflict situations. In paragraph 16, positive

mention was made of the activities of the coordination panel on technical advice and assistance in juvenile justice. The text was intended to be complementary to relevant provisions in the "omnibus resolution" on the rights of the child (E/CN.4/2000/L.94).

80. There were some small changes to be made to the text. In paragraph 9, the words "within her mandate" should be inserted, between commas, after the word "reinforce". The first part of paragraph 13 should be modified to read: "Recognizes the necessity of ensuring the effective implementation of relevant international standards relating to juvenile justice, in particular the Convention on the Rights of the Child, and invites States to...", the rest of the sentence remaining unchanged.

81. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Brazil, Canada, Guatemala, Japan, Swaziland and the United Kingdom, and the observers for Australia, Belgium, Denmark, the Dominican Republic, Equatorial Guinea, Ethiopia, Israel, New Zealand, Sweden and Ukraine had become sponsors of the draft resolution.

82. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

83. The draft resolution, as orally revised, was adopted.

Draft resolution on the incompatibility between democracy and racism (E/CN.4/2000/L.50)

84. Mr. AMORIM (Brazil) said that he was introducing the draft resolution on behalf of over 50 sponsors from every region and every level of development. Democracy was taking hold on an increasingly global scale. Despite its imperfections, it remained the "surest path" for the protection and promotion of human rights. His delegation was proud to note that its own region was undergoing a "peaceful democratic evolution", having adopted appropriate mechanisms at the regional and subregional levels.

85. The draft resolution - a timely new initiative - focused on a major threat to democracy, namely racism. It was the firm belief of the sponsors that those who espoused racist or xenophobic ideas should not be allowed to invoke the respectability associated with democratic rule to legitimize undemocratic values.

86. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, Canada, Nepal, Nigeria, Sri Lanka and the United States of America, and the observers for Azerbaijan, Bolivia, Croatia, Eritrea, Nicaragua and Panama had become sponsors of the draft resolution.

87. Mr. KOH (United States of America) said he welcomed the Commission's efforts to promote democracy as an essential component of universal human rights; the draft resolution was an important part of those efforts. It also served to highlight the obligation of democratic Governments to combat racism, a task to which his own Government was deeply committed. The Commission should continue to focus on "healthy democracy" as a valuable tool in the fight to end racism.

88. It was to be hoped that, by linking the two issues, the draft resolution would empower the Commission to speak more clearly and forcefully whenever racism threatened democracy or fundamental freedoms. One lesson which could be drawn from his own country's history was that responsible government officials should refrain from making statements that incited acts of racial violence.

89. The draft resolution was particularly pertinent, since in recent days, the Government of Zimbabwe had made some deeply troubling comments capable of inflaming racial tensions. Such statements served the cause neither of Zimbabwe nor of democracy or racial justice.

90. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

91. The draft resolution was adopted.

Draft resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2000/L.51)

92. Mr. SALINAS (Chile), introducing the draft resolution on behalf of its sponsors, drew particular attention to paragraphs 2 and 3.

93. A small change to the text had been agreed. In paragraph 3, after the words "non-governmental organizations", the words "having consultative status with the Economic and Social Council" should be added.

94. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Germany, Norway, the Republic of Korea and the United Kingdom, and the observers for Angola, Eritrea, Switzerland and Uruguay had become sponsors of the draft resolution.

95. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

96. The draft resolution, as orally revised, was adopted.

Draft resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/2000/L.53)

97. Mr. DEKANY (Observer for Hungary), introducing the draft resolution on behalf of its sponsors, said that the independence of the judiciary was one of the basic pillars of democracy, the rule of law and respect for human rights and fundamental freedoms. The text was based on resolutions adopted on the same subject in previous years. In its preambular part, it referred to existing instruments and standards and, inter alia, acknowledged the importance of cooperation between the Special Rapporteur on the independence of judges and lawyers and the Office of the High Commissioner for Human Rights (ninth preambular paragraph). It also noted with concern the frequent attacks on the independence of judges, lawyers and court officers (eleventh preambular paragraph). He drew particular attention to paragraphs 4, 6 and 8.

98. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, El Salvador, Germany, Guatemala and India and the observers for Angola, Georgia, Israel, Nicaragua and Sweden had become sponsors of the draft resolution.

99. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for a further three years and would request him to submit a draft report on his activities to the Commission at its fifty-seventh session. The estimated costs were US$ 45,600 per year. Relevant provisions had been included in the Programme Budget for the current biennium 2000-2001. Provisions for 2002-2003 would be included in the proposed programme budget for that biennium.

100. The draft resolution was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2000/L.54)

101. Ms. GRAMBYE (Observer for Denmark) introducing the draft resolution on behalf of the sponsors, said that it condemned all forms of torture. It also recalled that freedom from torture and cruel, inhuman or degrading treatment or punishment was a non-derogable right. Annexed to the draft resolution were the principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment.

102. Her delegation regretted that the report of the Special Rapporteur (E/CN.4/2000/9 and Add.1-5) had been issued so late. Combating torture was a priority for her Government, and, presumably, for those of other States. The draft resolution constituted a further instrument to that end.

103. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, the Republic of Korea and the Russian Federation and the observers for Angola, Australia, Belarus, Bosnia and Herzegovina, Georgia, Mongolia and Panama had become sponsors of the draft resolution.

104. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

105. The draft resolution was adopted.

The meeting rose at 12.55 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 April 2000 at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-13442 (E)

The meeting was called to order at 3.15 p.m.

STATEMENT BY MS. BÉNITA FERRERO-WALDNER, CHAIRPERSON-IN-OFFICE OF THE ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

1. Ms. FERRERO-WALDNER (Organisation for Security and Co-operation in Europe), recalling that the year 2000 marked the twenty-fifth anniversary of the Helsinki Final Act, said that the OSCE standards and mechanisms in the field of human rights and fundamental freedoms, currently referred to as its "human dimension", had been continuously strengthened. At the OSCE summit meeting held in Istanbul in November 1999, the leaders of the participating States had renewed their commitment to the task of ensuring full respect for human rights and fundamental freedoms, including the rights of minorities, thereby acknowledging both the important role at present played by OSCE in that field and the need to act in the face of the many human rights violations that continued to be committed throughout the OSCE region, particularly in conflict situations.

2. The Austrian Chairmanship of OSCE believed that the strengthening of civil society lay at the heart of the human dimension of security policy. In that respect, it wished to pay tribute to the non-governmental organizations (NGOs) for their efforts to promote human rights, democracy and the rule of the law. The protection of human rights defenders was one of the many objectives that OSCE shared with the Commission on Human Rights.

3. OSCE attached special importance to the fight against torture. Detainees were still frequently subjected to inhuman punishment and treatment in the OSCE region as well as in others. The problem had been analysed at a special meeting held in Vienna in March 2000 with active input from numerous NGOs; the meeting had identified good practices meant to serve as concrete recommendations to States and to OSCE and its institutions.

4. OSCE also sought to eliminate all forms of discrimination against women and to end violence against women and children and their sexual exploitation. It planned to hold another special meeting in Vienna during the year on the problem of trafficking in human beings.

5. With regard to the rights of the child, OSCE paid particular attention to children involved in or affected by armed conflicts. It had therefore decided to dedicate its annual Human Dimension Seminar to children in armed conflicts. It had also started to cooperate closely with the United Nations Secretary-General's special representative in charge of studying the impact of armed conflict on children, as well as with the President of ICRC and UNICEF and UNHCR.

6. Like other regional organizations, such as OAU and OAS, OSCE had made the protection and reintegration of displaced persons one of its priorities. In that field, it intended to build on the work of the Secretary-General's Representative for internally displaced persons. The third human dimension meeting would deal with migration and internal displacement.

7. Lastly, OSCE was endeavouring to promote and ensure the free flow of information, especially through independent media, and would support a range of projects to assist small and medium-sized media and to strengthen their role in conflict prevention.

8. Human rights in Europe and Central Asia had been undermined by a number of crisis situations. In the northern Caucasus, the violent conflict in Chechnya had had tragic consequences. She had obtained a first-hand impression during her visit to that region and to North Ossetia and Ingushetia where she had been shocked by the extent of the destruction and by the suffering endured by the civilian population, in particular by the countless numbers of displaced persons (predominantly women and children) struggling to survive. With regard to reports on human rights violations, she had endorsed the demands made, among others, by the High Commissioner for Human Rights and insisted, during her meetings with the Russian authorities, that a prompt and independent investigation should be carried out and that the perpetrators should be brought to justice. OSCE, in cooperation with the Council of Europe and the High Commissioner for Human Rights, would provide advice and expertise to the Russian President's representative for human rights in Chechnya. The President and the Foreign Minister of the Russian Federation had assured her that the OSCE Assistance Group would be able to resume its activities in Chechnya and set up an office in Znamenskoye in order to monitor the human rights situation, support humanitarian organizations, assist in building up civilian structures and democratic institutions, and contribute to rehabilitation efforts. The Assistance Group would also play a major political role, as it would be impossible to find a lasting solution to the conflict that did not involve dialogue with Chechen representatives.

9. In the Balkans, cooperation between the United Nations and OSCE in Kosovo, which was both close and complex, had taken on a unique dimension. The two organizations intended to further strengthen their cooperation on the ground in order to ensure that all elements of Security Council resolution 1244 (1999) were implemented. The registration of the civilian population in Kosovo was to start shortly. Preparations for the elections to be held in October constituted a difficult undertaking that required the backing of the entire international community. In the human rights field, past violations had to be investigated and fresh violations prevented. OSCE was also closely monitoring the situation in Montenegro, where the Office for Democratic Institutions and Human Rights was represented. In Bosnia and Herzegovina, the High Commissioner and the OSCE Mission were working together to strengthen democracy, the rule of law, civil society and respect for human rights. The year would be crucial for Bosnia and Herzegovina, whose population should start assuming responsibility for its own future. OSCE was encouraged by the increase in the number of persons repatriated in 1999, and one of its objectives was to facilitate and accelerate the return of refugees and displaced persons in 2000.

10. In Central Asia, OSCE missions had been asked to monitor the human rights situation in each of the region's five countries and to develop concrete projects aimed at supporting civil society, strengthening the independence and impartiality of the judiciary and guaranteeing due process of law. OSCE was concerned about the harassment of human rights activists and leaders of the political opposition, particularly in Kyrgyzstan, Turkmenistan and Tajikistan. One of the strengths of OSCE was its field missions. Their mandates covered human rights-related activities, ranging from monitoring the implementation of OSCE human rights commitments to capacity-building and support to civil society.

11. It was therefore important for all international organizations to incorporate human rights into their activities in the service of peace, security and development, and to cooperate with a view to ensuring respect for universal human rights standards throughout the world. It was

mainly through the Office for Democratic Institutions and Human Rights that OSCE had established both formal and ad hoc working relationships with a wide range of international organizations, and in particular the High Commissioner for Human Rights. No single organization could cope with the many complex problems that arose. For that reason, the Chairmanship of OSCE was trying further to strengthen the relationship between OSCE and the United Nations, especially through more regular contacts. To quote the Secretary-General, the twenty-first century had to be one of prevention of conflict and prevention of human rights violations. As it had pledged at the Istanbul Summit, OSCE would strive for freedom from fear and want in the OSCE region and throughout the world.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEM 12 (E/CN.4/2000/L.59-L.61)

Draft resolution E/CN.4/2000/L.59 (Traffic in women and girls)

12. Mr. LAPATAN (Philippines), introducing the draft resolution, said that, because of the possibilities afforded by globalization trafficking in human beings had become the third biggest source of income for criminal organizations after weapons and drugs. Women and girls were those most exposed to that modern form of slavery, and concerted action on the part of Governments and inter-governmental and non-governmental organizations was more urgently required than ever to bring it to a halt. It was in that spirit that the draft resolution under consideration had been drawn up, and it had obtained broad support since 59 delegations had become sponsors.

13. Several amendments had been made to the draft text since it had been submitted: a new paragraph had been inserted after the fourth preambular paragraph reading: "Welcoming the consensus reached on the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the adoption of International Labour Organization Convention No. 182 (99) concerning the Prohibition and Action for the Elimination of the Worst Forms of Child Labour,"; preambular paragraph 9 had been replaced by the following: "Recognizing the need to address the impact of globalization on the problem of trafficking in women and girls,"; and finally, it had been agreed that the words "that will focus on the issue of trafficking", would be inserted after "2001" at the end of paragraph 12.

14. His delegation hoped that, as in the past, the draft resolution would be adopted without a vote.

15. Ms. IZE-CHARRIN (Secretary of the Commission) announced that, Argentina, Azerbaijan, Belgium, Burundi, Croatia, Eritrea, Finland, France, Germany, Ghana, India, Ireland, Israel, Italy, Liberia, Liechtenstein, Nicaragua, Norway, Portugal, Thailand and Uruguay had also become sponsors of the draft resolution.

16. Mr. ZIVKOVIC (Secretariat) said that the draft resolution had no financial implications.

17. Draft resolution E/CN.4/2000/L.59, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.60 (Elimination of violence against women)

18. Mr. RUECKER (Canada), introducing the draft resolution on behalf of the sponsors, said that in the draft the Commission welcomed the report of the Special Rapporteur on violence against women and renewed her mandate. The draft also stressed that States had a duty to promote and protect the fundamental rights of women and to exercise due diligence to prevent all forms of violence against women.

19. He pointed out that two amendments had been made to the text. The first consisted in replacing the end of paragraph 3, after the words "private life", by the following: "and this includes inter alia domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women including female genital mutilation, and forced marriages;". The second amendment consisted in inserting the following paragraph after paragraph 3: "Affirms that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;". The Canadian delegation hoped that, as in the past, the draft resolution would be adopted by consensus.

20. Ms. IZE-CHARRIN (Secretary of the Commission) announced that the following States had joined the sponsors of the draft resolution: Armenia, Austria, Belgium, Bosnia and Herzegovina, Burundi, Colombia, Ecuador, Equatorial Guinea, Germany, Ireland, Israel, Liberia, Liechtenstein, Luxembourg, Mauritius, Mongolia, Philippines, Portugal, Rwanda, Senegal, Slovenia, Sweden, Tunisia, United Kingdom, Uruguay and Zambia.

21. Mr. ZIVKOVIC (Secretariat) said that activities connected with the renewal of the Special Rapporteur's mandate under the draft resolution, namely, three trips to Geneva, two field missions and the temporary assistance of a Secretariat staff member, would give rise to annual expenditure estimated at US$ 44,800. Relevant provisions had been included in the programme budget for the 2000-2001 biennium, and no additional resources would therefore be required for that period. Provisions for 2000-2003 would be included in the proposed programme budget for that biennium.

22. Draft resolution E/CN.4/2000/L.60, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.61 (Integrating the human rights of women throughout the United Nations system)

23. Mr. TAPIA (Chile), introducing the draft resolution on behalf of the sponsors, stated that it had received widespread support from all regional groups, thus demonstrating that the issue of women's rights was a universal concern. The draft outlined the specific tasks of the United Nations system and was evidence of the determination of Member States to continue working for the elimination of all causes of discrimination against women. He hoped that it would be adopted by consensus.

24. Ms. IZE-CHARRIN (Secretary of the Commission) announced that the following States had joined the sponsors of the draft resolution: Austria, Azerbaijan, Bangladesh, Burundi, Croatia, France, Israel, Liberia, Liechtenstein, Mauritius, Slovenia, Tunisia, Turkey and Zambia.

25. Mr. ZIVKOVIC (Secretariat) stated that the draft resolution under consideration would have no financial implications.

26. Draft resolution E/CN.4/2000/L.61 was adopted without a vote.

27. The CHAIRMAN stated that the Commission had thus completed consideration of agenda item 12.

RATIONALIZATION OF THE WORK OF THE COMMISSION (agenda item 20) (continued) (E/CN.4/2000/112, 114, 120, 122 and 123; E/CN.4/2000/CRP.1; E/CN.4/1999/104; E/CN.4/1999/WG.19/2 and 3; E/CN.4/Sub.2/1999/47)

28. Mr. QUESADA INCHAUSTEGUI (Peru) said that his delegation fully endorsed the report, approved by consensus, of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) and thought that the results achieved reflected a broad understanding of the need to rationalize procedures and improve the protection of human rights. His delegation felt that the Commission should approve the report by consensus.

29. The Working Group's task had consisted in finding the means of enabling non-treaty mechanisms to enhance the protection of human rights. Accordingly, the Peruvian delegation had, at the outset, announced that it would support proposals aimed at improving the effectiveness of human rights protection. In addition, the victims should be assured that the violations would cease and that their rights would be restored. Consequently, States had to be given criteria within the framework of the application of the Commission's working methods and special procedures to guarantee those rights, as they were obliged to do. Indeed, the victims had to be given greater protection and States given the means of presenting, in good time, the results of their investigations into alleged violations that had prompted the special mechanisms to take corrective or preventive action. That aspect was all the more important in the light of the fact that under international human rights law, the burden of proof lay with the State. It was therefore vital that reports from rapporteurs, independent experts and working groups action under the 1503 procedure, and the work of the Sub-Commission should reflect a "fact-finding" approach, i.e. one of verifiable results. That approach, which was peculiar to the protection of human rights, had the additional advantage of depoliticizing the work of the Commission and the special procedures.

30. His delegation had also drawn the Working Group's attention to the usefulness of the participation by NGOs in all areas in which the special procedures were applied. Their participation in the deliberations of the Working Group itself had proved to be extremely constructive. In the opinion of the Peruvian delegation, the results were positive, even if all expectations had not been met. The consensus achieved was of itself a positive factor, for not only did it lend the decisions taken absolute legitimacy, it also reinforced the fundamental principle of State cooperation with the special procedures. Moreover, and most importantly, the conclusions reached were part of a logical and dynamic process to protect human rights in all countries of the world, regardless of their level of development or geographical situation. His delegation welcomed in particular the decisions adopted on the working groups on enforced disappearances and arbitrary detention, which played a very important role.

31. He recalled that such positive results could not have been obtained without the constructive attitude of all the participating countries, and in particular without the Working Group's Chairperson, Mrs. Anderson, whose intelligence, commitment and fairmindedness had permitted the deliberations, which had initially been tense, to take place in a climate of trust and to result in the adoption of a document by consensus.

32. Mr. LUKIYANTSEV (Russian Federation) said that the Working Group had undeniably obtained fully satisfactory results. It had worked on a consensual basis, which was essential given that what was involved was the functioning of the main body of the United Nations responsible for the defence of human rights, an area in which there was no room for division. The Russian delegation urged that the report (E/CN.4/2000/112) should be adopted by consensus in its entirety, and wholeheartedly endorsed the opinion of the Working Group's Chairperson that the Group's conclusions should be considered as a whole. It reiterated its opposition to the idea of reopening the debate, a move it believed would be detrimental, by reconsidering certain conclusions.

33. Mr. TAPIA (Chile) said that Chile had participated actively in the review of the Commission's mechanisms, and had borne in mind the need to improve them not to satisfy the interests of Governments but to promote, protect and guarantee the fundamental rights of men, women and children. Chile, which had been the first State for which the Commission on Human Rights had appointed a special rapporteur, had understood from the outset that it must rise to the challenge it faced on account of its history. It should be borne in mind that, as recognized by internationalist legal doctrine, the international community had legitimate cause to monitor respect for human rights and that doing so in no way constituted interference in the internal affairs of a State. When moral questions were at stake, the duty was to speak out, and Chile had stood on the side of the victims of violations of human rights and fundamental freedoms. Clearly, if human rights were not being violated every day there would be no reason to discuss the effectiveness of the mechanisms established to redress those violations. Those mechanisms were not an end in themselves but merely instruments in the service of the rights and freedoms of human beings. Their effectiveness and that of the Commission therefore depended on the ability of the international community to serve the cause of those rights.

34. Chile attached great moral, legal and political value to the work of the Working Group. That was why it was not satisfied with its results, which it considered meagre. Indeed, the Working Group had set its sights on consensus, and while its intent was praiseworthy the question arose whether it did not introduce a veto, with all its inherent dangers, into the United Nations system for the protection and promotion of human rights. Several goals had been momentarily sacrificed to the achievement of consensus, including recognition of the moral and political obligation of United Nations Member States to cooperate with human rights protection mechanisms, the determination to react resolutely to flagrant absence of cooperation - which was at the origin of urgent appeals - strict respect for the principle of independence of rapporteurs and experts, and the need to revitalize mechanisms and subsidiary bodies, and in particular the Sub-Commission. Those goals had not disappeared, however, and the day would come when they would be part of an action programme stimulating renewed efforts to strengthen the implementation of fundamental freedoms and to alleviate the suffering of the victims. It was in that hope that Chile approved the draft decision submitted by the Chairperson.

35. In keeping with its idea of revitalization, Chile would set an example by not being a candidate for a fourth term on the Commission. Other countries in the region in which democracy and respect for human rights had become binding legal obligations could and should make their voices heard in the Commission, for all States had experiences to share, and the experience acquired in Latin America confirmed that human rights were neither utopic nor a mere political instrument but a noble cause it was gratifying to defend.

36. Mr. AKRAM (Pakistan) said that the Working Group, thanks to the superhuman efforts of its Chairperson, Mrs. Anderson, to reconcile the various positions, had produced a coherent and acceptable set of recommendations that should be applied in their entirety. His delegation welcomed in particular the fact that the Working Group had been able to resolve certain questions of overlap and to outline principles for the rationalization of the mechanisms of the Commission on Human Rights, including the adoption of a coherent approach and criteria for the rationalization of mandates. It nevertheless regretted that those principles had not been sufficiently taken into account so as to be able to decide, at the present session, on mandates to be renewed or instituted.

37. As underlined by the like-minded group of countries, cooperation as defined in paragraph 25 of the Working Group's report should be encouraged within the framework of article 55 of the Charter. Cooperation could not be enforced.

38. His delegation believed that the Sub-Commission constituted a unique reservoir of expertise and knowledge within the United Nations system, and therefore approved the Working Group's decision that the Sub-Commission should continue to prepare studies in the human rights field and to provide support to the Commission. It looked forward to working with the Sub-Commission in identifying issues to be studied. It appreciated the efficiency of the 1503 procedure, because of its confidentiality, and noted that there was a strong conviction within the Working Group in favour of the continuity of members of the Working Group on Communications and the Working Group on Situations so that benefit could be derived from the expertise and experience of the experts proposed by the Sub-Commission and the views of regional groups.

39. Lastly, his delegation was deeply disappointed that the Working Group had not proposed specific measures to improve the Commission's working methods and observed that the Commission's member States had a responsibility not only to their Governments but also to other United Nations members to ensure that the obligations defined for them by the Commission were adopted after in-depth discussions open to all.

40. Ms. GLOVER (United Kingdom) making a joint statement on behalf of 46 other countries (Albania, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Morocco, New Zealand, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, South Africa, Sweden, Switzerland, Ukraine, United States of America), said that they represented all continents in all their diversity.

The Working Group on enhancing the effectiveness of the Commission's mechanisms had proved how important it was to break down geographical, cultural and political barriers in the pursuit of important objectives in the United (but so often dis-united) Nations.

41. The deliberations of the Working Group had not always been easy but they had nevertheless resulted in specific recommendations that, while they did not radically overhaul the instruments and mechanisms at the disposal of the Commission, had considerably improved them. Those improvements included the merger of some special procedure mandates, the establishment of a list of the most suitable candidates for future mandates, to be updated by the Secretariat, the reinforcement, within the framework of urgent appeals, of cooperation between States and the United Nations, the fine-tuning of the 1503 procedure, the refocusing of the Sub-Commission's mandate by shortening the duration of its session, the fixing of time-frames enabling standard-setting working groups to complete their work by allowing them to hold intersessional consultations, the reinforcement of the dialogue with representatives of special procedures during the Commission's sessions and permission for the Commission to hold an informal meeting in September in order to provide continuity between the Commission and the General Assembly. Significant progress had also been made on the Commission's working methods. Reform of those working methods and of the Commission's mechanisms would be an ongoing process. The Working Group had been an important learning experience for many delegations, and one which would serve them well in the future.

The meeting rose at 4.25 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10.15 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRMAN read out the following statement on the question of resources for the Office of the United Nations High Commissioner for Human Rights:

> "On the occasion of the first session of the United Nations Commission on Human Rights of a new century, we should all reaffirm our commitment to the essential work of the Office of the High Commissioner for Human Rights and recognize the need for further and continued support of the programmes and activities of the Office of the High Commissioner. This matter is of particular relevance given the new mandates the Commission is considering and the numerous existing ones.
>
> "For the first time, the Office of the High Commissioner has published an Annual Appeal which clearly demonstrates the extent of its commitments and at the same time highlights the critical need for support.
>
> "The Commission therefore reaffirms its appeal to the Economic and Social Council and the General Assembly that additional resources be allocated to the Office of the United Nations High Commissioner for Human Rights, as already recommended in Commission resolutions 1998/83, 1999/54 and 2000/1, to ensure that all necessary financial, material and personnel resources are provided to the Office of the High Commissioner commensurate with its increasing tasks."

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/L.45/Rev.1 and L.58)

Draft resolution on promoting and consolidating democracy (E/CN.4/2000/L.45/Rev.1 and L.58)

2. Mr. MAXIM (Romania) said that no one had responded to his delegation's offer to hold consultations on the draft resolution and he therefore considered that action should be taken forthwith with respect to it. He requested that a roll-call vote be taken on the amendments to the draft resolution (E/CN.4/2000/L.58) which his delegation would vote against, since it considered that all meaningful amendments had already been incorporated into the draft resolution as revised (E/CN.4/2000/L.45/Rev.1).

3. Mr. AKRAM (Pakistan) said that his delegation had no problem with any of the changes incorporated into the revised draft resolution (E/CN.4/2000/L.45/Rev.1), although it considered that some of the proposals by the delegation of Cuba would have enriched the draft and made it more balanced. His delegation did, however, have a problem with the prescriptive nature of the draft resolution, which failed to recognize that there were many roads to democracy. His delegation had therefore been instructed to propose an amendment, namely, the insertion of a new paragraph 2, to read:

> "Acknowledges the principles of democracy and good governance enshrined in the Holy Koran and the Islamic Sharia which have been incorporated in the basic laws of a number of Member States."

Such a paragraph would safeguard and acknowledge the principles of democracy as practised in the Islamic world for over 1,400 years, and he hoped that the sponsors of the draft resolution would accept that amendment in a spirit of tolerance and mutual respect.

4. Mrs. de ARMAS GARCÍA (Cuba), speaking on behalf of the sponsors of the proposed amendments to the draft resolution (E/CN.4/2000/L.58), said that Zambia had been mistakenly included in the list of sponsors and that the representative of Qatar and the observer for Equatorial Guinea had become sponsors. The amendment proposed orally by the delegation of Pakistan was a valid one and should be incorporated into the draft resolution. The purpose of the proposed written amendments was to produce a balanced text that could serve as a general basis of principle for the promotion and consolidation of democracy, applicable to various systems and types of government, and would recognize the diversity that was at the heart of the United Nations.

5. In its current form, the draft resolution imposed a specific model of democracy to be followed by the Member States as well as a monitoring system. Unfortunately, the so-called open consultations had failed to take account of the most important proposals made by the large group on behalf of which she spoke, to whom it was not acceptable that a particular type of democracy should be made into a universal category.

6. She wished to draw the Commission's attention to a number of changes that had been made to the proposal she was introducing. Amendments Nos. 3, 8, 10, 11 and 12 had been withdrawn. In amendment No. 4, the words "third preambular paragraph" had been replaced by "sixth preambular paragraph", in amendment No. 6, the words "third preambular paragraph" had been replaced by "fourth preambular paragraph", and amendment No. 16 should read "delete operative paragraph 2".

7. She requested that separate action should be taken on each of amendments Nos. 1, 4, 5 and 7, and that joint action should be taken on amendments Nos. 2, 6, 9, 14, 15, 16 and 17.

8. Mr. KOH (United States of America) said that Commission resolution 1999/57 had established the fundamental relationship between democracy and universal human rights and reaffirmed the importance of democracy in promoting peace, prosperity and international stability. The draft resolution currently under consideration built on that resolution, giving further definition to that fundamental relationship and recognizing the importance of education, transparency, anti-corruption efforts and alternative dispute mechanisms in strengthening democratic institutions.

9. The text of the draft resolution had been fully aired before the Commission in a transparent and thorough consultative process. The representative of Pakistan had stated that there were many roads to democracy: all such roads had been recognized by the draft resolution in its reference to resolution 1999/57, which explicitly recognized the rich and diverse nature of the community of the world's democracies. The proposed amendments to the draft resolution (E/CN.4/2000/L.58) would request the United Nations Secretary-General to seek the views of Member States on the matter of the promotion and consolidation of democracy. Those views were, however, already known. The proposed amendments did not therefore advance the cause of promoting democracy, but was an attempt to reverse the unanimous decision taken by the Commission in 1999 and to bypass the continuing work of many regional and international organizations to build democracy worldwide. He hoped that all those unnecessary amendments would be rejected by the Commission.

10. Mr. MAMBA (Swaziland) said that his delegation wished to withdraw its name from the list of sponsors of the draft resolution.

11. Mr. AKRAM (Pakistan) said that his delegation acknowledged the contribution made by the United States delegation to the revised draft resolution (E/CN.4/2000/L.45/Rev.1). It was precisely because that text was such an important one that all delegations must examine it carefully in order to ensure that their own political systems were not compromised by the prescriptions it contained. He did not believe it appropriate for the fundamental principles of his own country's Constitution to be called into question by any Commission resolution. Democracy must not be seen as a clash of civilizations. He therefore urged that careful consideration be given to the proposed amendments.

12. Mr. HYNES (Canada) said that, since his delegation had had no advance notice of the amendment proposed orally by the representative of Pakistan, it had had no chance to consult the sponsors of the draft resolution. While the draft resolution did contain some prescriptions, they were very general, being largely restatements of the general principles of international humanitarian law. The amendment proposed by the representative of Pakistan, on the other hand, was very specific, and if adopted, would mean that the Commission would have to incorporate further amendments recognizing other systems in other parts of the world. His delegation was thus strongly opposed to that amendment.

13. With regard to the proposed written amendments to the draft resolution (E/CN.4/2000/L.58), he agreed with the statement by the United States representative that they

reflected no significant progress. Number 15, in particular, was not so much an amendment as an attempt to gut the draft resolution. His delegation would therefore vote against the proposed amendments.

14. Mrs. de ARMAS GARCÍA (Cuba) suggested that action should first be taken on the amendment orally proposed by the representative of Pakistan. With regard to the statement made by the representative of Canada, she said that her delegation was open to all proposals.

15. Mr. AKRAM (Pakistan) said that he had been hurt by the ideological arrogance of the Canadian statement. The principles of democracy and good governance reflected in the Koran and the Islamic Sharia had preceded by 1,400 years the formulation of human rights in the Universal Declaration of Human Rights, and he was not prepared to accept that they were any less relevant than those reflected in the draft resolution. The representative of Canada had said that the proposed amendment was a very specific reference to one particular system. However, the tenth and twelfth preambular paragraphs of the draft resolution made specific references to particular democratic systems. While he was prepared to discuss his amendment, he urged the Commission to give it serious consideration.

16. Ms. GLOVER (United Kingdom) said that the draft resolution was not prescriptive except insofar as it called upon States to consolidate democracy. Extensive consultations had been held on the text, which had been considerably modified in order to incorporate changes that had been proposed. The written amendments proposed in E/CN.4/2000/L.58 sought to remove all substance from the draft resolution and undermine democracy. The sponsors of the revised draft resolution had incorporated all the proposals they considered compatible with the purposes of that text and had acted in good faith and in a transparent manner. It was unfortunate that the representative of Pakistan had not proposed his amendment, at an earlier stage. She urged him to withdraw his amendment and said that, if he did not do so, her delegation would vote against it.

17. Mr. KOH (United States of America) said that the draft resolution made no specific reference to any particular religion: it was not necessary to do so, as all religions were already recognized in the first preambular paragraph, while the rich and diverse nature of the community of the world's democracies had been recognized in resolution 1999/57.

18. Mr. SUN Ang (China), speaking as a sponsor of the written amendments to the draft resolution, said that he supported the amendment proposed by the representative of Pakistan. It was surprising that the United States, with its vaunted enthusiasm for a diversity of cultures, should oppose the amendment on the grounds of Pakistan's national circumstances.

19. Mr. CHOWDHURY (Bangladesh) said that, since Bangladesh was a democratic and pluralist society, his delegation was supporting the draft resolution. His country also, however, drew much of its inspiration from the Koran. His delegation would also support the amendment proposed by the representative of Pakistan, which would add value to the draft resolution.

20. Mr. MAXIM (Romania) said he was surprised that the representative of Pakistan had not introduced the proposed amendment during the weeks when the draft resolution was being formulated. It was obviously an attempt to delay a decision on the matter.

21. Mr. AKRAM (Pakistan) said that the proposed amendment reflected the importance his delegation attached to the draft resolution. He suggested a short suspension of the meeting to enable a text to be agreed upon.

The meeting was suspended at 11.05 a.m. and resumed at 11.20 a.m.

22. Mr. MAXIM (Romania) said that agreement had been reached on the following text for a new preambular paragraph which had been accepted by the sponsors:

"Recognizing and respecting the rich and diverse nature of the community of the world's democracies, which arise out of all of the world's social, cultural and religious beliefs and traditions,"

23. The CHAIRMAN suggested that, before proceeding to the vote on the revised draft resolution (E/CN.4/2000/L.45/Rev.1), the Commission should take action on the proposed amendments to the draft resolution (E/CN.4/2000/L.58), with some paragraphs being considered separately, as the representative of Cuba had requested.

24. It was so decided.

Amendment to draft resolution E/CN.4/2000/L.45 on promoting and consolidating democracy (E/CN.4/2000/L.58)

25. At the request of the representative of Cuba, separate votes were taken by roll-call on paragraph 1, paragraph 4, paragraph 5, paragraph 7 and paragraphs 2, 6, 9 and 14-17 of the amendment (E/CN.4/2000/L.58).

Paragraph 1

26. Germany, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bhutan, China, Congo, Cuba, Mexico, Pakistan, Qatar, Rwanda, Sudan, Swaziland.

Against: Botswana, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Nepal, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Bangladesh, Colombia, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Niger, Nigeria, Russian Federation, Senegal, Sri Lanka, Tunisia, Venezuela, Zambia.

27. Paragraph 1 of the amendment was rejected by 22 votes to 10, with 20 abstentions.

Paragraph 4

28. Canada, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bhutan, China, Congo, Cuba, Mexico, Pakistan, Qatar, Rwanda, Sudan, Swaziland, Zambia.

Against: Botswana, Brazil, Canada, Chile, Colombia, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Nepal, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Bangladesh, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Niger, Nigeria, Russian Federation, Senegal, Sri Lanka, Tunisia, Venezuela.

29. Paragraph 4 of the amendment was rejected by 23 votes to 11, with 18 abstentions.

Paragraph 5

30. Cuba, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bhutan, China, Congo, Cuba, Mexico, Pakistan, Qatar, Russian Federation, Rwanda, Sudan, Swaziland, Zambia.

Against: Botswana, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Nepal, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Burundi, Colombia, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Niger, Nigeria, Senegal, Sri Lanka, Tunisia, Venezuela.

31. Paragraph 5 of the amendment was rejected by 22 votes to 13, with 18 abstentions.

Paragraph 7

32. The Philippines, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, China, Colombia, Congo, Cuba, Guatemala, Mexico, Pakistan, Qatar, Russian Federation, Rwanda, Sri Lanka, Sudan, Swaziland, Venezuela, Zambia.

Against: Botswana, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Nepal, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Burundi, Ecuador, El Salvador, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Niger, Nigeria, Senegal, Tunisia.

33. Paragraph 7 of the amendment was rejected by 22 votes to 17, with 14 abstentions.

34. At the request of the representative of Cuba, a vote was taken by roll-call on paragraphs 2, 6, 9 and 14-17 of the amendment to the draft resolution.

35. Spain, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bhutan, China, Congo, Cuba, Pakistan, Qatar, Rwanda, Sudan.

Against: Argentina, Botswana, Brazil, Canada, Chile, Czech Republic, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Luxembourg, Nepal, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Senegal, Spain, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Burundi, Colombia, Ecuador, El Salvador, Liberia, Madagascar, Mauritius, Mexico, Morocco, Niger, Russian Federation, Sri Lanka, Tunisia, Venezuela, Zambia.

36. Paragraphs 2, 6, 9 and 14-17 of the amendment were rejected by 29 votes to 8, with 16 abstentions.

37. Ms. KUNADI (India) said that her Government firmly supported the values and principles of democratic governance. Democracy was the best guarantor of human rights, as well as the only acceptable form of government. At the national level, it was thanks to democracy that political stability had been achieved in her country and that different elements in society had found expression.

38. Her delegation had become a sponsor of the draft resolution out of the conviction that the promotion of democracy was essential to the realization of all human rights and fundamental freedoms. While all peoples should have the right freely to determine their own political and legal systems, such systems should be in accordance with the fundamental values and principles of democracy and the rule of law. The draft resolution was a timely one given the spread of democratic ideas, which nonetheless remained under threat from various quarters.

39. Some of the proposed amendments to the draft resolution (E/CN.4/2000/L.58) were based on agreed language contained elsewhere, but they were not necessarily either relevant or

necessary. Other amendments were clearly unacceptable. Her delegation had accordingly abstained on some of the proposed amendments and had voted against others.

40. Mrs. de ARMAS GARCÍA (Cuba) said that certain delegations should be aware that they had voted against language used in the Charter of the United Nations and the Vienna Declaration and Programme of Action.

41. Speaking in explanation of vote before the voting, she said that the promotion and consolidation of democracy involved a variety of systems. As had been recognized in General Assembly resolutions, inter alia, no universal model for democracy existed which would suit all peoples equally well, since political systems were subject to distinct political, historical, cultural and religious factors. Moreover, electoral processes were a matter for the internal jurisdiction of States and an expression of their political sovereignty. It was for individual nations to establish their own institutions, and political and legislative systems.

42. It would be inappropriate to attempt, by means of a resolution, to codify a model of democracy for all States. It was also questionable whether such a model was necessary, given that the Charter and numerous other international instruments had already established the basic principles on which diverse democratic systems could be built. Such diversity not only enriched the international community; it was the raison d'être of the United Nations. Her delegation was thus unable to vote in favour of the draft resolution.

43. Mr. AKRAM (Pakistan) said that no single model for democracy met the requirements of all peoples and nations. Some democracies functioned well, while others tolerated and even served as a breeding ground for corruption, inequality and racism. Not only was the draft resolution overly prescriptive, it also reflected a particular ideological posture, and even a certain "cultural arrogance".

44. Islam could boast its own system of democracy. Principles of democracy and good governance were enshrined in the Koran and Sharia and had been put into practice for over 1,400 years. His delegation could not, therefore, endorse a draft resolution which, by implication, called into question the very legitimacy of such basic principles. His delegation was, however, gratified that a new preambular paragraph had been included which recognized democratic systems arising out of the world's social, cultural and religious beliefs and traditions.

45. Commenting on the voting on the proposed amendments (E/CN.4/2000/L.58), he said that his delegation had been greatly concerned that an "automatic majority" in the Commission had rejected a series of amendments embodying the language of the Charter and other international instruments. That outcome was deeply regrettable. In the interests of the pursuit of power and influence, the Commission had compromised the basis on which States participated in the work of the United Nations.

46. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that his Government supported any process which sought to define democracy. At the previous session, in sponsoring resolution E/1999/57 on the right to democracy, his delegation had hoped to initiate a process for defining a fundamental right for all citizens, which the international community should recognize. The current draft resolution (E/CN.4/2000/L.45/Rev.1) must be understood in terms

of the sharing of common concepts and ideals to be cultivated within different cultures and historical processes, not as a series of uniform and binding rules. A draft resolution on democracy should not be a source of division. His delegation looked forward to continuing to participate in the process of defining the concept of democracy.

47. Mr. SIDDIG (Sudan) said that each nation and group of nations had the right to preserve its cultural, political and economic specificities. Each Government also had the right to implement policies which best served its people's aspirations. Indeed, experience had shown that democratic systems could not necessarily be transposed from one culture to another, but must be applied in a manner tailored to individual societies. There was no universally successful blueprint for democracy. Since the draft resolution reflected only one example of a democratic system, his delegation intended to abstain from voting upon it.

48. After a discussion in which Mr. AKRAM (Pakistan), Mr. DE AGUIAR PATRIOTA (Brazil), Mr. FERNÁNDEZ PALACIOS (Cuba), Mr. HYNES (Canada) and Mrs. de ARMAS GARCÍA (Cuba) took part, it was agreed that although - under rule 60 of the rules of procedure - sponsors must not speak in explanation of vote, they could be allowed to make general statements.

49. Mr. SALINAS (Chile) said that the promotion, consolidation and defence of democracy was an essential element of his Government's foreign and domestic policies. His delegation had the utmost respect for the historical, cultural and religious contexts in which democracy was applied and developed. The revised draft resolution (E/CN.4/2000/L.45/Rev.1) reflected the essential and universally applicable elements of democracy which constituted the foundations for the rule of law in any State.

50. Speaking in explanation of his delegation's votes on the proposed amendments (E/CN.4/2000/L.58), he said that they introduced elements which distorted the spirit and the letter of the draft resolution. By voting against them, his delegation had not rejected any of the fundamental principles contained in the Charter of the United Nations or other international instruments. It was his delegation's belief that the draft resolution contributed to the evolution of international law and the consolidation of democracy.

51. Mr. ZIMKOVIC (Office of the High Commissioner) said that the draft resolution had no financial implications.

52. Mr. SUN Ang (China) said that there could be no development or modernization without democracy. All countries were duty-bound to follow the will of their people by establishing a democratic system. There was, however, no universal blueprint for democracy. All Governments were entitled - in the light of their national conditions - to determine their own political, economic and social development and their own specific means of achieving democracy. Moreover, in promoting democracy, it was important to respect the different stages of development and the cultural, traditional and historical backgrounds of the various countries.

53. The draft resolution (E/CN.4/2000/L.45/Rev.1) failed to reflect fully the views of his delegation which would accordingly abstain in the voting on it.

54. Mr. MAMBA (Swaziland) said that most of the elements of the draft resolution were enshrined in the Universal Declaration of Human Rights. His delegation would thus be voting in favour of it. However, it wished to register its reservations concerning paragraph 1, subparagraph (d) (ii), which was overly prescriptive. The concept of "multiple parties" was not provided for in international human rights instruments, and his Government would not be bound by elements that had not been universally agreed. There were, indeed, many ways of achieving the democratic ideal.

55. Mr. DESPOUY (Argentina) said that his delegation would support the draft resolution, since it was designed to achieve a degree of consensus on the common value of democracy. He proposed that consideration of the draft resolution be deferred, however, in the hope that a consensus text could be achieved whereby some of the amendments proposed by the delegation of Cuba might be taken into account.

56. Mrs. de ARMAS GARCÍA (Cuba) said that there was no single, universal model of democracy that was applicable throughout the world; it was for peoples themselves to determine their own democratic system. Diversity was of the essence of the United Nations, and as such was reflected in its Charter and many of its instruments. It was neither appropriate nor necessary to try to establish a single model to be followed by all Member States, and her delegation would not be voting in favour of the draft resolution.

57. At the request of the representative of Romania, a vote was taken by roll-call on the draft resolution.

58. The Philippines, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Spain, Sri Lanka, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: None.

Abstaining: Bhutan, China, Congo, Cuba, Pakistan, Qatar, Rwanda, Sudan.

59. The draft resolution was adopted by 45 votes to none, with 8 abstentions.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I, draft decision 1)

Draft decision 1 on the rights of non-citizens, recommended by the Sub-Commission (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

60. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft decision, said that the activities envisaged were two trips to Geneva, in 2000 and 2001, for consultations at an estimated cost of US$ 13,100. No provisions had been included in the Programme Budget for the current biennium 2000-2001 to cover those activities. The potential for absorption, as well as any additional resources, would be included in the final Programme Budget implication statement to be submitted to the Economic and Social Council at its forthcoming session in the context of its review of the report by the Commission on its fifty-sixth session.

61. Ms. GLOVER (United Kingdom) said that, following consultations with all regional groups, she had an amendment to propose that would bring the draft decision into line with the language used in other draft decisions recommended by the Sub-Commission. The last sentence of the draft decision should read: "The Council requests the Secretary-General to provide within existing resources the Special Rapporteur with all the assistance necessary to enable him/her to accomplish this task."

62. The proposed amendment was adopted.

63. Draft decision 1 recommended by the Sub-Commission, as orally amended, was adopted.

SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS

(b) MINORITIES

(c) MASS EXODUSES AND DISPLACED PERSONS

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/2000/L.56, L.57, L.64 and L.67)

Draft resolution on human rights of migrants (E/CN.4/2000/L.56)

64. Mr. NEGRIN MUÑOZ (Mexico), introducing the draft resolution on behalf of its sponsors, said that a change had been made to the thirteenth preambular paragraph, which should read: "Bearing in mind the mandate of the Special Rapporteur on the human rights of migrants contained in its resolution 1999/44 of 27 April 1999".

65. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Indonesia had become a sponsor of the draft resolution.

66. The draft resolution, as orally revised, was adopted.

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/2000/L.57)

67. Mr. NEGRIN MUÑOZ (Mexico), introducing the draft resolution on behalf of its sponsors, said that it was similar to the one the Commission had adopted without a vote at its fifty-fifth session.

68. The draft resolution was adopted.

Draft resolution on tolerance and pluralism as indivisible elements in the promotion and protection of human rights (E/CN.4/2000/L.64)

69. Ms. KUNADI (India), introducing the draft resolution on behalf of its sponsors, said that a new second preambular paragraph should be added to read: "Recalling also the principles and purposes of the Charter of the United Nations". In paragraph 5 (c), the word "practice" should be "practices".

70. The draft resolution reflected the fact that, in a multi-ethnic, multi-religious and multicultural world, no society was beyond the dangers posed by the absence of tolerance. Tolerance and pluralism together strengthened democracy and facilitated the full enjoyment of all human rights, thereby constituting a sound foundation for civil society, social harmony and peace. The main focus of the draft resolution was on strengthening promotional activities that facilitated the enjoyment of all human rights, especially the promotion of tolerance. She hoped that it would be adopted by consensus.

71. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Pakistan and the Philippines and the observers for Georgia, Israel and the Ukraine had become sponsors of the draft resolution.

72. The draft resolution, as orally revised, was adopted.

Draft resolution on the human rights of persons with disabilities (E/CN.4/2000/L.67)

73. Mr. MAC AODHA (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, said that it recalled the continuing isolation and exclusion of persons with disabilities, especially children and women and persons with developmental and psychiatric disabilities. It reflected the great concern of many in the international community that persons with disabilities continued to be marginalized and excluded from the mainstream of society. Their treatment came fully within the human rights agenda.

74. He drew attention to two operative paragraphs in particular, one inviting the High Commissioner for Human Rights, in cooperation with the Special Rapporteur on disability

of the Commission for Social Development, to examine measures to strengthen the protection and monitoring of the human rights of persons with disabilities and to solicit input and proposals from interested parties, and the other inviting multilateral development agencies, in the light of the Standard Rules, to pay due regard to the question of access and related disability rights issues in connection with the projects they sponsored and funded. He hoped that the draft resolution would be adopted by consensus.

75. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, Mauritius and Pakistan, and the observers for Equatorial Guinea, Israel, the former Yugoslav Republic of Macedonia and Uruguay had become sponsors of the draft resolution.

76. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the cost of the invitation to the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-eighth session would be US$ 3,200, and that the relevant provisions would be included in the proposed Programme Budget for the biennium 2002-2003.

77. The draft resolution was adopted.

The meeting rose at 1 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 63rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 April 2000, at 4 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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CONSIDERATION OF DRAFT RESOLUTIONS AND DRAFT DECISIONS RELATING TO AGENDA ITEMS 14, 15, 16 AND 9

This record is subject to correction.

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GE.00-13492 (E)

The meeting was called to order at 4.15 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEM 14

Draft resolution E/CN.4/2000/L.70 (Rights of persons belonging to national or ethnic, religious and linguistic minorities)

1. Ms. KUHTREIBER (Observer for Austria) introduced draft resolution L.70 on behalf of its 50 sponsors, including her country.

2. In the resolution the Commission took note of the report of the Secretary-General on the rights of persons belonging to minorities (E/CN.4/2000/79) and of the report of the Working Group on Minorities on its fifth session (E/CN.4/Sub.2/1999/21). The Commission noted, in particular, the Working Group's emphasis on effective participation by minorities and the work on a manual on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Commission requested the Working Group to contribute to the preparations for the World Conference against Racism. It called upon States to facilitate the effective participation of persons belonging to minorities in the work of the Working Group on Minorities, and invited the High Commissioner for Human Rights to seek voluntary contributions in that regard.

3. The sponsors had made some drafting changes in the text of the resolution. In the last line of paragraph 9, the words "situations involving minorities" should be replaced by "situations of minorities". In paragraph 10, "welcomes" should be replaced by "takes note of". The beginning of paragraph 11 had been amended to read: "Takes note of the emphasis by the Working Group on Minorities during its fifth session ... on the effective participation of minorities ...". Finally, in the first line of paragraph 14, the words "specialized agencies" should be deleted.

4. She hoped the text would be adopted by consensus.

5. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that the following countries had joined the sponsors of the draft resolution: Mauritius, Armenia, Equatorial Guinea and the Netherlands.

6. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

7. Draft resolution E/CN.4/2000/L.70 was adopted without a vote.

Draft resolution E/CN.4/2000/L.72 (Internally displaced persons)

8. Mr. THEUERMANN (Observer for Austria) said that the question of internally displaced persons was a critical one. The conditions in which such persons lived were extremely difficult, and he welcomed the work being done within the United Nations system to ensure their protection. The text of the resolution referred to the efforts undertaken to that end by the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, by the Emergency Relief Coordinator and by members of the Inter-Agency Standing Committee.

The Commission expressed the appreciation of the cooperation which had been established at all levels in order to promote better assistance, protection and development strategies for internally displaced persons and called upon governments to facilitate the efforts of humanitarian organizations to that end.

9. He pointed out a few drafting changes. In the last line of paragraph 11, the word "other" before the words "humanitarian organizations" should be deleted. Paragraph 12 had been amended in the following way: "Stresses the need for appropriate follow-up, etc." should be replaced by "Stresses the importance of appropriate follow-up, etc.". In the second line of paragraph 13, the words "for providing assistance and protection to" should be replaced by the words "with regard to ...". Finally, in paragraph 23, the words "including in the framework of the United Nations system" should be deleted.

10. He drew attention to paragraph 21, which referred to Sub-Commission resolution 1998/26 on housing and property restitution in the context of the return of refugees and internally displaced persons. He thanked the delegations which had helped to draft the text and said he hoped that it would be adopted without a vote.

11. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that France, Ecuador, Colombia, the Republic of the Congo and Angola had joined the sponsors of the draft resolution under consideration.

12. Mr. SABHARWAL (India) said that his delegation was aware of the serious situation of internally displaced persons but nevertheless believed that the responsibility for protecting them lay primarily with States. Humanitarian organizations should intervene only at the request of governments. In that connection, his delegation noted that the Guiding Principles on Internal Displacement could indeed provide some useful guidelines but should in no way be considered legally binding. In that field, as in others, the legislation of the country concerned should prevail.

13. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

14. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution L.72 without a vote. Draft resolution L.72 would supersede Sub-Commission on the Promotion and Protection of Human Rights draft decision 9.

15. Draft resolution E/CN.4/2000/L.72 was adopted without a vote.

Draft resolution E/CN.4/2000/L.73 (Violence against women migrant workers)

16. Mr. LEPATAN (Philippines) noted that women made up an increasing proportion of migrant workers, to such an extent that the term "feminization" of migration was coming into use. Women who left their country for economic reasons were particularly vulnerable owing to the dangers to which they were exposed: sexist violence, discrimination, exploitation, etc. The draft resolution therefore invited the States concerned to consider adopting appropriate legal measures to protect women migrant workers, as specified in the Beijing Platform for Action.

17. His delegation, which regularly introduced draft resolutions on the subject, hoped that draft resolution L.73 would be adopted without a vote.

18. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Azerbaijan and Israel had joined the sponsors of the draft resolution.

19. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that draft resolution L.73 had no financial implications.

20. Draft resolution E/CN.4/2000/L.73 was adopted without a vote.

Draft resolution E/CN.4/2000/L.74 (Human rights and mass exoduses)

21. Mr. VON KAUFMAN (Canada), after noting the main causes of mass exoduses - human rights violations, persecution, famine, poverty, widespread violence - and stressing the responsibility of States and international organizations to help the countries, in particular developing countries, facing mass exoduses, said that the Office of the High Commissioner for Human Rights had a role to play in connection with the issue. In cooperation with the Office of the High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons, the High Commissioner for Human Rights should pay close attention to situations which were causes or potential causes of mass exoduses, through emergency response mechanisms, early warning and information-sharing. The draft resolution also encouraged the High Commissioner for Human Rights, the High Commissioner for Refugees and the humanitarian organizations working with refugees to create an environment for a viable and sustainable return of refugees and displaced persons to their countries when possible. The issue was a crucial one, which was why Canada hoped that the draft resolution would be adopted without a vote.

22. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Mauritius, Tunisia, Thailand and Georgia had joined the sponsors of draft resolution L.74.

23. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that draft resolution L.74 had no financial implications.

24. Draft resolution E/CN.4/2000/L.74 was adopted without a vote.

25. The CHAIRMAN declared the consideration of draft resolutions relating to agenda item 14 closed.

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEM 15

Draft resolution E/CN.4/2000/L.63 (Human rights and indigenous affairs)

26. Ms. RODRIGUEZ-MANCIA (Guatemala), introducing draft resolution E/CN.4/2000/L.74 on behalf of Guatemala and Mexico, noted that one of the objectives of the International Decade of the World's Indigenous People was to strengthen international cooperation for the solution of problems faced by indigenous people, in particular in such areas as the environment and development. The Sub-Commission on the Promotion and Protection of

Human Rights, in resolution 1999/20, had recommended the appointment of a special rapporteur on indigenous issues. However, based on informal consultations which the Mexican delegation and her own delegation had held on the question, it would be preferable to postpone any decision on the appointment of a special rapporteur until the Commission had taken a decision concerning the project on a permanent forum for indigenous peoples and concerning the future of the Working Group on Indigenous Populations. She therefore proposed that the Commission should postpone a decision on draft resolution L.63 until its following session.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission agreed.

28. Consideration of draft resolution E/CN.4/2000/L.74 was postponed until the following session of the Commission.

Draft decision E/CN.4/2000/L.65 (Study on indigenous land rights)

29. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that draft decision L.65 requested the Secretary-General to provide the Special Rapporteur, Ms. Erica-Irene Daes, with all the assistance necessary to enable her to submit her final working paper on indigenous people and their relationship to land to the Sub-Commission at its fifty-second session. The speaker had consulted all the regional groups concerning draft decision L.65 and in her understanding they agreed that it should be adopted without a vote.

30. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that draft decision L.65 had no financial implications.

31. The CHAIRMAN said he took it that the Commission wished to adopt draft decision L.65 by consensus. It would in that case supersede draft decision 9 of the Sub-Commission on the Promotion and Protection of Human Rights.

32. Draft decision E/CN.4/2000/L.65 was adopted without a vote.

Draft resolution E/CN.4/2000/L.66 (Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People)

33. Ms. GEELS (Observer for New Zealand), introducing the draft resolution on behalf of its sponsors, said that in draft resolution L.66 the Commission proposed new measures for meeting the objectives of the International Decade of the World's Indigenous People. First, the Commission recommended that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-second session of the Sub-Commission. The draft resolution would therefore supersede Sub-Commission draft decision 5 relating to the Working Group. The Commission welcomed the Working Group's proposal to highlight specific themes of the International Decade in the framework of its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people. It noted that in 2000 the Working Group would be focusing on the theme of indigenous children and youth and on the Special Rapporteur's final report on indigenous people and their relationship to land.

34. The Commission took note of the mid-term report of the High Commissioner for Human Rights, in her capacity as Coordinator of the International Decade. It recalled that one of the important objectives of the Decade was the establishment of a permanent forum for indigenous people in the United Nations system and again requested the High Commissioner for Human Rights to ensure that the indigenous people's unit in her Office was adequately staffed and resourced. It also recommended that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the special sessions of the General Assembly on the follow-up to the Beijing Conference, the World Summit for Social Development and the World Summit for Children, and the World Conference against Racism. Her delegation hoped that draft resolution L.66 would be adopted by consensus.

35. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that the Russian Federation and the Ukraine had joined the sponsors of draft resolution L.66.

36. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that draft resolution L.66 had no financial implications.

37. The CHAIRMAN said that draft resolution L.66 superseded Sub-Commission draft decision 5.

38. Draft resolution E/CN.4/2000/L.66 was adopted without a vote.

Draft resolution E/CN.4/2000/L.68 (Establishment of a permanent forum on indigenous issues)

39. Mr. LEHMANN (Denmark), speaking on behalf of the sponsors, introduced draft resolution L.68, in which the Commission recommended that the Economic and Social Council should adopt a resolution establishing as a subsidiary organ of the Council a permanent forum on indigenous issues. The proposal to establish such a body dated back to the 1993 Vienna Conference and was among the principal objectives of the International Decade of the World's Indigenous People.

40. The permanent forum would consist of 16 members, 8 members to be nominated by governments and 8 representing indigenous people, all members to serve in their personal capacities as independent experts. The members nominated by governments would be elected by the Council under the normal procedure, and the members representing indigenous people would be appointed by the President of the Council on the basis of broad consultations with indigenous organizations. The Council would carry out an evaluation of the functioning of the permanent forum five years after its establishment. Once the forum had been established and had held its first annual session, the Council would make a decision concerning the continued functioning of the Working Group on Indigenous Populations and conduct a review of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues.

41. In paragraph 1 of draft resolution L.68, the brackets surrounding the words "assisted by the Bureau" should be replaced by two commas.

42. His delegation believed that draft resolution L.68 was balanced, in that it took into account the legitimate concerns of both States and indigenous populations. In that respect, the text faithfully reflected the theme of the International Decade, "Partnership in Action". His delegation therefore hoped that draft resolution L.68 would be adopted by consensus.

43. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that South Africa, Bolivia and Ukraine had joined the sponsors of draft resolution L.68.

44. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, requested that the administrative and financial implications of draft resolution L.68 should be indicated before members made their comments.

45. Ms. KWIECINSKI (Office of the High Commissioner for Human Rights) explained that the activities contained in draft resolution L.68 were new and that no appropriate financial provision had been made for them in the programme budget for 2000-2001. If draft resolution L.68 was adopted, they would not begin until 2001.

46. Annual expenditures under chapter 22 (Human rights) had been estimated at $114,000 if the forum met in Geneva and $156,300 if it met in New York. No appropriation had been made under chapter 22 of the approved budget for the 2000-2001 biennium to fund the corresponding activities. If the forum's first session was held in 2001, funding possibilities and the amount of supplementary resources to be provided would be indicated in the summary of budgetary implications to be submitted to the following session of the Economic and Social Council when it considered the Commission's report on its fifty-second session. Funds for the sessions of the forum beginning in 2002 would be provided from the budgets for the corresponding bienniums.

47. Annual expenditures under section 2 (Conference Services) had been estimated at 582,000 dollars if the forum met in Geneva and at 615,000 dollars if it met in New York. Those amounts had been calculated on the basis of the full cost, on the assumption that the services required could not be provided by the permanent staff of the Conference Services Department. Provision had been made, however, under section 2 of the proposed programme budget not only for meetings programmed at the time the budget was prepared but also for meetings which might be authorized subsequently. As a result, no additional appropriation would be required under section 2 of the proposed programme budget for the biennium 2000-2001.

48. The Secretariat pointed out to the Commission that the provisions in paragraph 4 of the draft resolution regarding the location of the forum sessions were not in line with the general principle set out in paragraph 4 of General Assembly resolution 40/243, by virtue of which the forum's annual meetings should be held in Geneva. It also recalled that any forum meeting held anywhere but Geneva or New York would have to be covered by a host country agreement.

49. Mr. ALFONSO MARTINEZ (Cuba) observed that the resources set aside for activities for indigenous populations had always been limited and that the existence of the Working Group had long been threatened. It appeared that the establishment of a permanent organ would lead to the disappearance of the Working Group, although it had enabled indigenous populations to make their voices heard for many years.

50. Paragraph 1 of the draft resolution raised the problem of the forum's composition. The draft text set forth no criteria for the selection of the forum members, yet the wide range of indigenous populations that would be represented on it would inevitably give rise to certain difficulties. The permanent forum might therefore be less representative than the Working Group. Furthermore, paragraph 8 of the draft resolution appeared to eliminate any possibility for the two bodies to coexist.

51. The Cuban delegation therefore considered that the two paragraphs in question should be the object of a separate vote so as to enable the delegations to express their reservations on them.

52. Ms. MBONU (Nigeria) said that her delegation shared the concerns of the Cuban delegation with regard to the maintenance of the Working Group and the selection of the permanent forum's members.

53. Mr. SUTOYO (Indonesia), speaking on behalf of the Asian Group of States, recalled that the latter had always been in favour of the establishment of a permanent forum for indigenous populations. Its final view would nevertheless depend on the nature of the mandate conferred on the forum and the provisions made with regard to its composition. It was crucial to guarantee that it was representative and legitimate.

54. It was to be regretted that at its last meeting, the Ad Hoc Working Group charged with the examination of proposals with regard to the establishment of the permanent forum had not reached a consensus on certain important issues, including the selection criteria for the representatives of indigenous populations. Although the lack of consensus was reflected in the Working Group's report (E/CN.4/2000/86), it was not taken account of in the draft resolution. It was therefore indispensable for the Economic and Social Council and the General Assembly to consider the matter in depth. The Asian Group of States would wish the procedure followed to be similar to that governing, for example, the appointment of special rapporteurs. It would support the draft resolution on that condition.

55. Ms. RODRIGUEZ-MANCIA (Guatemala) did not think that such an important issue should be put to the vote. The draft resolution under consideration was the outcome of a consensus. It could not, therefore, fully satisfy all delegations. The Guatemalan delegation would, for example, have liked the principle of equitable geographical distribution to be emphasized with regard to the forum's composition. It nevertheless believed that the basic issues had been settled. It pointed out that the draft resolution presented formed a whole, and asked the Cuban delegation to join the consensus and in any event to withdraw its request for a separate vote on two paragraphs.

56. Mr. DENNIS (United States of America) said that his delegation was willing to join the consensus on the draft resolution under consideration, even though it was concerned by the forum's financial viability, by the risk of overlap its establishment would create, by the selection criteria for its members and above all by the vagueness surrounding the transfer of duties from the Working Group to the permanent forum. It would also prefer the forum to have fewer members and to meet one week per year instead of two. Finally, it hoped that the Economic and

Social Council would choose a United Nations headquarters city as the meeting-place for the forum. It requested that the meeting be suspended to allow the delegations concerned to harmonize their positions.

57. Following a discussion, in which the delegations of Morocco, Canada, Cuba and Guatemala took part, on whether to suspend the meeting or to continue the proceedings while the delegations concerned withdrew for consultations, the Chairperson decided to suspend the meeting.

58. The meeting was suspended at 5.25 p.m.; it resumed at 5.40 p.m.

59. Mr. LEHMANN (Observer for Denmark) said that the consultations had been in vain. He recalled that the draft resolution under consideration had been very carefully drafted after lengthy deliberation and that it took account of the legitimate interests of all the parties. A consensus had apparently been reached on it until the Cuban delegation had asked that certain paragraphs be put to the vote. In his opinion, it would be preferable to adopt the text without a vote and then to give the floor to the delegations wishing to explain their position on the text.

60. Mr. de AGUIAR PATRIOTA (Brazil) said that his delegation was willing to join the consensus although it expressed reservations on operative paragraph 1. Since the text was apparently not ready to be adopted without a vote, he suggested that consideration of it be postponed.

61. Mr. ALFONSO MARTINEZ (Cuba) had no objection to that proposal.

62. Ms. MBONU (Nigeria) expressed concern that such an important issue should be postponed to the fifty-seventh session. She was worried about what would happen to the Working Group, which was presently the most democratically representative body for indigenous populations.

63. In the absence of objections, the CHAIRPERSON considered that the Commission wished to postpone consideration of draft resolution E/CN.4/2000/L.68 until the following afternoon.

64. It was so decided.

Draft resolution E/CN.4/2000/L.71 (Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994)

65. Mr. LORD (Canada) introduced draft resolution E/CN.4/2000/L.71, the aim of which was to authorize the Working Group charged with elaborating a draft declaration on the rights of indigenous peoples to meet for 10 working days prior to the fifty-seventh session of the Commission. The Canadian delegation welcomed the growing confidence and understanding between the representatives of States and of indigenous populations, and underscored the need to make rapid progress in the elaboration of the draft declaration so that it could be adopted before the end of the International Decade of the World's Indigenous People. The Commission was

therefore asked to invite the Chairperson/Rapporteur of the Working Group and any interested parties to hold broad unofficial consultations between meetings with a view to facilitating the drafting of the declaration at the forthcoming meeting of the Working Group. Canada hoped that a consensus had been reached on the draft resolution. It intended for its part to intensify its dialogue with the representatives of indigenous populations in the country.

66. Ms. IZÉ-CHARRIN (Secretary of the Commission) said that Estonia, Brazil, France, South Africa, Ecuador and the Russian Federation had joined the draft resolution's sponsors.

67. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) added that draft resolution E/CN.4/2000/L.71 had no financial implications.

68. Draft resolution E/CN.4/2000/L.71 was adopted without a vote.

CONSIDERATION OF THE DRAFT RESOLUTION UNDER AGENDA ITEM 16

Draft resolution E/CN.4/2000/L.77 (Work of the Sub-Commission on the promotion and protection of human rights)

69. The CHAIRPERSON informed the Commission that the delegation of Luxembourg had requested that draft resolution I 77 be acted on once the Commission had debated the proposals under agenda item 20.

CONSIDERATION OF DRAFT RESOLUTIONS RELATING TO AGENDA ITEM 9

Draft resolution E/CN.4/2000/L.55 (East Timor)

70. The CHAIRPERSON informed the Commission that draft resolution E/CN.4/2000/L.55 had been replaced by a Chairman's Statement on East Timor, which read as follows:

Chairman's Statement on East Timor

1. The Commission takes note of the report of the joint mission of Special Rapporteurs of the Commission on Human Rights to East Timor (A/54/660) and the report of the International Commission of Inquiry (A/54/726) and takes also note of the need to complete the systematic investigations of violations of fundamental human rights and international humanitarian law perpetrated in East Timor.

2. The Commission also takes note of the report of the Indonesian Commission of Inquiry and the cooperation established with the International Commission of Inquiry. The Commission welcomes the general progress made and some concrete steps already taken by the Indonesian Government to investigate fully violations of human rights and international humanitarian law and to bring those responsible to justice, and welcomes the willingness of the Government of Indonesia to inform the Commission on further developments.

3. The Commission fully supports the Secretary-General's intention to strengthen UNTAET's capacity, in accordance with the latter's mandate, to conduct forensic investigations and to provide assistance to ongoing procedures.

4. The Commission takes note of the agreement between UNTAET and the Indonesian authorities to exchange information relevant to investigations, prosecutions and trials and welcomes the signature by the Government of Indonesia and UNTAET of a Memorandum of Understanding envisaging mutual cooperation in legal, judicial and human rights related matters, with the aim to promote reconciliation and to ensure future social and political stability.

5. The Commission commends the enhancement of collaboration between the United Nations and the Government of Indonesia in technical cooperation programmes in the field of human rights. In this respect, the Commission requests the High Commissioner to continue to provide technical assistance and advisory services to the Government of Indonesia in its effort, in the context of respecting international standards of justice and fairness, to investigate and bring to justice the alleged perpetrators of the violations of human rights and international humanitarian law in East Timor, including in the setting up of a Special Human Rights Court.

6. The Commission urges for a rapid solution of the East Timorese refugees problem in West Timor. The Commission takes note of the decision by the Government of Indonesia to set a deadline and to take all necessary measures for the refugees to express freely their choice. The Commission takes note of positive steps taken by the Government of Indonesia to enhance the security and the safety in refugee camps. In this regard, the Commission welcomes the agreements between the Indonesian authorities and UNTAET of 22 November 1999 and 13 January 2000, for creating a secure environment for the voluntary repatriation of refugees. However, the Commission remains concerned at various obstacles, including intimidation and misinformation by remaining militias in refugee camps, which hamper the safe and voluntary return of refugees to East Timor. The Commission asks the Government of Indonesia and the international community to continue to provide relief assistance to the refugees.

7. The Commission decides to keep these matters under consideration and requests the High Commissioner to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session.

71. Mr. WISNUMURTI (Indonesia) recalled that in his opening statement the Chairperson had said that the Commission should be a forum for dialogue. In that respect, the Indonesian delegation wished to thank the European Union for the spirit of compromise it had demonstrated in the search for a consensus on the Chairperson's Statement on East Timor.

72. The Indonesian Government had undertaken determined efforts to address the issues linked to the aftermath of the referendum which had taken place in East Timor on 30 August 1999 and noted the international community's genuine concern at the resulting violence. It nevertheless believed that all domestic remedies must first be explored. In line with that principle, Indonesia had taken concrete steps to investigate violations of human rights and

international humanitarian law and to bring those presumed to be responsible to justice. Those steps included the establishment of a commission to investigate human rights violations in East Timor, which had produced a comprehensive and honest report on the matter, and the appointment of a team to study that report and submit recommendations. In addition, parliament was in the final stages of adopting a law establishing a human rights court with authority to try cases of past human rights violations, including those which had taken place in East Timor. In that regard, the Indonesian Government was actively cooperating with the High Commissioner with a view to obtaining technical cooperation and advisory services. To that end, two international experts had been invited to Indonesia to assist the Ministry of Justice and the Office of the Attorney-General.

73. In cooperation with international relief agencies, the Indonesian Government had also taken a number of concrete measures to remedy the situation of the remaining East Timorese refugees in Indonesia, including their voluntary return to East Timor or resettlement in Indonesia if they so desired. Finally, an agreement had been concluded between the Indonesian Government and the Transitional Administration on the provision of mutual assistance in legal, judicial and human rights related matters.

74. The Chairman's Statement recognized the concrete steps already taken in Indonesia. In that regard, the Indonesian delegation recognized the need for the support of the international community, and believed that a credible national process would reconcile the concerns of the latter with respect for national sovereignty.

75. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, was satisfied with the outcome on the issue of East Timor and thanked the Indonesian delegation for its cooperation. The European Union was also satisfied at the Indonesian Government's undertaking to bring the perpetrators of violations of human rights and humanitarian law in East Timor to justice and to establish a human rights court for that purpose in Indonesia. The European Union awaited the outcome of those commitments with interest.

76. Ms. RUBIN (United States of America) welcomed the Chairperson's Statement and thanked all those who had taken part in drafting the text. It was crucial for credible investigations to take place and for the perpetrators of human rights violations in East Timor and elsewhere in Indonesia to be tried. In addition, the humanitarian crisis had to be swiftly settled and effective action taken to disarm militias in East Timor. The Indonesian Government would then be able to turn its attention to other urgent matters. The United States delegation also welcomed the agreement concluded between the Indonesian Government and the United Nations Transitional Administration for East Timor with a view to legal cooperation. The United States, for its part, intended to continue supporting the efforts of the Indonesian Government, which had undertaken a major programme of reform in that area.

77. The United States delegation hoped that it would be possible, at the Commission's forthcoming session, to learn what concrete measures the Indonesian Government had taken to try the perpetrators of human rights violations and to ensure respect for those rights in the country.

Draft resolution E/CN.4/2000/L.32 (Situation in the Republic of Chechnya of the Russian Federation)

78. Mr. MENDONÇA E MOURA (Portugal) introduced draft resolution E/CN.4/2000/L.32 on behalf of the European Union and the other sponsors. The sponsors did not want the Commission to remain silent in the face of the violations of human rights and humanitarian law committed in Chechnya but nevertheless wished to cooperate with the Russian Federation, and so had done all they could to find a compromise, and had indeed modified the text several times in order to obtain Russia's approval. Unfortunately, Russia had not even agreed to the minimum requests the Commission was duty-bound to make if it wished to consider the human rights situation in Chechnya seriously. The only solution was therefore to submit draft resolution E/CN.4/2000/L.32.

79. In the draft resolution, the Commission, after recalling Russia's commitments under the various international human rights instruments it had ratified, called upon all parties to the conflict to take immediate steps to halt the hostilities and the indiscriminate use of force and to begin effective negotiations without delay. It called upon the Government of the Russian Federation to establish urgently a national, broad-based and independent commission of inquiry to investigate promptly allegations of violations of human rights and urged it to cooperate with the Commission's special mechanisms. It requested the relevant special rapporteurs and representatives - the Special Rapporteur on torture, the Special Rapporteur on extrajudicial executions, the Special Rapporteur on violence against women, the Special Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for children and armed conflict - to undertake missions to the Republic of Chechnya without delay. Finally, the draft resolution's sponsors awaited with interest the forthcoming report of the High Commissioner for Human Rights, whom the Russian Government had invited to pay a return visit to Chechnya. They hoped that the draft resolution would meet with the broadest possible support in the Commission.

The meeting rose at 6.15 p.m.